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NOTES AND NEWS

CATALOGUE OF THE LIBRARY'S GREEK AND LATIN PAPYRI.

THE recent publication of Volume IV of the Catalogue of the Library's collection of Greek and Latin papyri brings to fruition the task begun by Dr. A. S. Hunt in 1911. The three preceding volumes, which contain some one thousand pages, deal with literary and theological texts and with miscellaneous documents of the Ptolemaic and Roman periods, the whole ranging in date from the third century B.C. to the seventh century A.D.; included are some items now famous, such as the fragments of Deuteronomy and St. John's Gospel. The fourth volume describes all Greek and Latin papyri at present in the Library's possession which have not previously been published and is the work of Mr. C. H. Roberts of St. John's College, Oxford, and Professor Eric G. Turner of University College, London. The following survey of its contents, kindly supplied by Professor Turner, indicates its scope and draws attention to some of the more outstanding pieces: "This volume and the second are alike in being devoted to documents, but the present one is wider in time-range than its documentary predecessor, since in addition to pieces of Ptolemaic and Roman date it includes the notable collection of Byzantine documents purchased in 1896 on behalf of Lord Crawford, which came to the Library in 1901 through Mrs. Rylands' generosity. The Ptolemaic and Roman material was bought in two lots, some in 1917 by Rendel Harris, the rest in 1920 (some of it at Behnesa/Oxyrhynchus) by B. P. Grenfell.

"The total number of pieces included is 166: 2 literary, 51

Ptolemaic, 48 Roman, 65 Byzantine (of which 9 are wholly in Latin, the rest Greek). Some of the texts have been previously published separately and are here reprinted in definitive form. Such are Nos. 554-573, the 20 letters of the Zenon Archive which C. C. Edgar published in THE BULLETIN, Vol. XVIII (1934), and some six others. The method of publication is the same as that used in Vol. II, the larger pieces being given in full transcription with translation, introductions and commentaries, while the more fragmentary ones are transcribed with the minimum of commentary. Six excellent collotype facsimiles illustrate nine of the papyri.

"The great glory of the volume consists in the 36 pieces (Nos. 616-651) which constitute the archive of Theophanes of Hermopolis, who appears from internal evidence to have been on the staff of the Prefect of Egypt *c.* A.D. 320. It includes public papers from the prefect's office used again as scrap paper (among them a taxation list for the province of Aegyptus Jovia, and a petition to the emperors); a scrap of a letter of introduction in Latin which, being identical in wording though not in addressee, with one preserved at Strasbourg, gave the key to the interpretation of the whole group; private letters, and a long series of accounts. Some of the latter deal with the management of a private estate near Hermopolis. But the longest and most interesting cover a journey to Antioch made by Theophanes, setting out his day to day expenditure on the journey and during his residence there, together with many fascinating miscellaneous memoranda, such as itineraries and inventories of equipment, including Theophanes' clothes. The accounts are kept by five-day periods—i.e. a five-day week. The entries are of the most diverse kind (food, clothes, incidental expenses such as baths, soap, papyrus, visits to the theatre) and include many new words, especially loan-words from Latin.

"There is, however, much that is novel in the rest of the volume. Among the new Ptolemaic documents No. 572 is an official letter of the second century B.C. giving instructions regarding the selection of scribes permitted to draw up contracts in demotic, and fixing a standard tariff of charges, a matter of interest for the social and racial policy of the Ptolemies. In

No. 576 guards certify the unloading of cargo at ' the Serapeum at Rhacotis '. No. 580 is an assignment of his burial benefit by a member of a soldiers' club (*σύνοδος τῶν συστρατιωτῶν*), No. 585 an assignment of salary by a mercenary soldier made in a temple and confirmed by royal oath. In No. 588 (a well-written first century B.C. indemnification of loan) an interesting proof is afforded that the designation *Πέρσαι τῆς ἐπιγονῆς* is a legal fiction which provided additional security for the lender. No. 590, for all its tattered condition, is an interesting resolution of a *σύνοδος*, while No. 667 offers strong indications that the poll-tax known as *λαογραφία* was levied during the Ptolemaic period.

" Novelties among the Roman documents include a total of taxation actually collected probably in the year A.D. 145/6 at the village of Karanis (No. 594); a list of 105 persons ' missing ' from the village of Philadelphia in A.D. 57 (No. 595) who had defaulted on their taxes, perhaps ten per cent. of the village's inhabitants; a perfectly preserved official stamp on the back of a lease of cleruchic land (No. 601); a well-preserved Latin letter of introduction (No. 608) and a fragment of a Latin marriage contract, another portion of which is at Michigan (No. 612). The Byzantine documents which fall outside the Theophanes archive include a unique fragment of a letter from the Praefectus Annonae Alexandriae to the city of Hermopolis granting a formal receipt for the annona civica (No. 652); a new document belonging to the Theadelphia archive of the early fourth century in which a praeses gives a ruling in Latin about the all-important water supply (No. 653); a fragmentary minute of proceedings in which an apprentice weaver appeals against bricklayers who have dragged him from his loom and compelled him to lay bricks (No. 654); and a magnificently written Latin letter from the Count of the Thebaid calling-up a citizen of Hermopolis for military service (No. 609).

" In the interest of its contents this volume is not inferior to its predecessors, and it is a matter of congratulation to the Library that a commitment of fifty years standing is at last honoured. I can only regret that Dr. Guppy did not live to see its completion."

ARCHIVES OF THE CANONESSES OF THE HOLY SEPULCHRE.

The Library has recently acquired by purchase, with the generous assistance of the Friends of the National Libraries, the records of the temporalities of the English Canonesses of the Holy Sepulchre, dating from the thirteenth century to the eighteenth. The Sepulchrines venerate as their foundress Susan Hawley (1622-1706), afterwards Mother Mary of the Conception, who was professed at the convent of Tongres in Belgium. It was from there, in October 1642, that she migrated to Liége and established, on the hill of La Pierreuse, overlooking the town, the community of which, in November 1652, she became the first Prioress. After some ten years on La Pierreuse, the nuns took over a house in the Faubourg d'Avroy which had belonged to a community of Coquins, who were, in fact, expelled to make room for them and whose property they inherited; there they remained until the French Revolution, when they came to this country and, in 1798, found a home at New Hall in Essex. The Frères Coquins, whose house at Liége they occupied, were lay religious following the Rule of St. Augustine and were originally known as the Brothers of the Hospital of St. Christopher. At various times measures had been taken against them by Bishops of Liége with the aim of obtaining the better administration of the hospital and the reformation of the brethren themselves, but apparently without success. While their expulsion was impending the brethren destroyed many of their records, but many others fortunately remained and came into the possession of the English Canonesses, who, in 1760, had the surviving Registers rebound. These Registers, together with others of the Coquins' documents, they brought with them to England when they were compelled to leave Liége later in the century and both Registers and documents now form part of the archives acquired by the Library. As received, the collection consists of 655 documents and 129 quarto and folio volumes, comprising records of the Brothers for the years from the late thirteenth century to 1655 and records of the Canonesses for the latter half of the seventeenth century and for the eighteenth century. Thanks to the care exercised by the Sepulchrines, well over 100 Registers, Manuals and Account Books of the Hospital at Liége, for the period from the fourteenth century

to the seventeenth, have survived, together with a high proportion of deeds. The Library is indebted to the Friends of the National Libraries, to Mr. John Ehrman, their Secretary, and to Col. G. E. G. Malet, Registrar of the National Register of Archives, for their valuable help in the acquisition of these interesting records.

A NEW CAXTON.

Mrs. R. S. Mortimer, who is preparing a catalogue of the Ripon Cathedral Library, has recently discovered there a hitherto unrecorded book printed by Caxton. This discovery, the first of its kind for over twenty years, is of considerable importance and Mrs. Mortimer is to be congratulated on making this valuable addition to our knowledge of the products of Caxton's press. In the following account of her find, which she has kindly contributed, she points out that it is the third Caxton among the collections at Ripon: "Among some 65 incunabula at Ripon Cathedral, there were known to be two Caxtons (the Boethius [Duff 47] and the Vocabulary [Duff 405]) found by Thomas Dibdin on his visit to Ripon in 1815 (*Bibliographical Decameron*, 1817, vol. 3, p. 419). When found they were bound together, but soon after Dibdin's visit they were rebound separately by Charles Lewis. At about the same time, and most probably as a result of the interest aroused by Dibdin's visit and discovery, other books were repaired and put into paper boards. Among these was a small folio volume which had come to the Library as part of the bequest of Anthony Higgin, second Dean of Ripon under King James's foundation (1608-1624). This contains—Gerson: *De consolatione theologicæ* (Cologne, 1488. Part of GKW. 4540; Hain 3380); Ephraim: *De compunctione cordis* ([Freiburg im Breisgau, n.d.] B.M.C. III. 694; Hain 6597); Antonius de Butrio: *Speculum de confessione*, and Dionysius Carthusianus: *Speculum conversionis peccatorum* (Louvain, not before 1493. Part of GKW. 5830; Hain-Copinger 4185); four manuscript items, and Laurentius Gulielmus de Saona: *Epitome Margaritae eloquentiæ*. The last item, without printer's name or place, bears the date 21 Jan. 1480 in the Explicit. It is bound following a copy of a letter of fraternity from John Auckland, prior of Durham, etc., in manuscript (printed *Yorkshire*

Archaeological Journal, II, 395), and is followed by 'A lytyll ballet mayde of ye yong dukes grace' (concerning Henry Fitzroy, Duke of Richmond and Somerset; printed *Y.A.J.*, II, 396-397).

"The work consists of 34 leaves, size 287 × 205 mm. The type-page is 197 × 122 mm. and there are 29 lines to a page, the line-endings being even. The watermark is of the scissors type, stated by Heawood to be found in Caxton books of 1482 and 1483 (Heawood: *Sources of English paper-supply*, ap. *The Library* (Dec. 1929), 4th series, vol. 10, p. 298. No. 74).

"In order to establish the identity of Laurentius Gulielmus de Saona's *Epitome Margaritae eloquentiæ* and its connection with the same author's *Nova Rhetorica*, it had to be compared with the editions of the latter which were printed at Westminster in 1479 by William Caxton (Duff 368; copy at Corpus Christi College, Cambridge), and at St. Albans in 1480 (Duff 369; copy at the John Rylands Library). At the John Rylands Library the Keeper of Printed Books pointed out the identity of the M with that in the Caxton group (Haebler: *Typenrepertorium der Wiegendrucke*. M[80] 135). Further examination revealed similarities with Caxton's type 2*, but detailed comparison was not possible at Manchester as the Ripon work (in Latin) had many contractions not present in the English works in that type in the John Rylands Library.

"Mr. R. H. Martin, lecturer in Latin at Leeds University, kindly examined the Caxton, 1479, edition of the *Nova Rhetorica* at Corpus Christi College, Cambridge, and found the type, contractions and ligatures of this work (accepted as being in type 2*) to be the same as that in the Ripon *Epitome*. Mr. Martin was also able to establish from a survey of the chapter headings and the commencement of the text, that the Corpus Christi *Nova Rhetorica* [1479] was substantially the same as the text of the St. Albans, 1480, edition in the John Rylands Library (cf. Blades: *The biography and typography of William Caxton*, 1877, 218). When the Ripon *Epitome*, which has suffered from damp, has been repaired and is able to be handled without risk of further damage, Mr. Martin hopes to make a further examination of the text of the *Nova Rhetorica* and the *Epitome* with a

view to establishing the literary relationship between the two works."

THE PROVENANCE OF THE RYLANDS MANUSCRIPT OF FLAVIUS JOSEPHUS.

Professor K. H. Usener, Professor of Fine Art at the University of Munich, has recently completed an examination of our twelfth-century manuscript of Josephus, in the course of which he has made the interesting discovery that its decorated initials are the work of artists who were also concerned in the production of a Bible now in the Bibliothèque Royale at Brussels, the provenance and date of origin of which are known. Professor Usener has kindly supplied us with the following note on his discovery: "Rylands Latin MS. 40 (Flavius Josephus) contains neither marks of ownership nor any inscription indicating its source of origin. In M. R. James's *Catalogue* (p. 102 *sq.*, pl. 101) it is accordingly only described in general terms as 'French (?), 12th century.' The decoration of the manuscript's initials, however, allows us to fix its place of origin more exactly. This decoration is the work of two different artists, a master and an assistant. The master is responsible for all the initials to the Books of the 'Antiquitates' as well as for those to Books I, VI and VII of the 'Bellum Judaicum'. (His extra-large 'In principio' initial is shown on pl. 101 of the *Catalogue*). The assistant has drawn only the four initials to Books II-V of the 'Bellum Judaicum' (on ff. 156 v., 168, 175, 179 v.). Both these illuminators, however, may be traced in a further manuscript, MS. II 2524 of the Bibliothèque Royale in Brussels (cf. C. Gaspar and F. Lyna, *Les principaux manuscrits à peintures de la Bibliothèque Royale de Belgique*, Paris, 1937, pp. 74 *sqq.*, pl. xv). This is a fragment of a two-volume Bible of which there has survived only—in two volumes bound in the seventeenth century—the greater part of the Old Testament. The New Testament, together with the Books of Solomon, Ecclesiasticus, Chronicles, Ezra, Tobias, Judith, Esther and the Maccabees, is lacking. In the first volume of this manuscript the eleven initials on ff. 3, 7v., 8, 24 v., 47, 60, 79, 94 v., 95, 106 (illustrated in Gaspar and Lyna, pl. xv) and 120—to the Epistle to Paulinus, the Pentateuch, Joshua, Judges and the corresponding prologues, as well as to

Kings I—show the style of the master of the 'Flavius Josephus', while in the second volume six initials on ff. 1., 1v., and 11 v. (to the Book of Job, the three versions of the fifty Psalms and the prologues to Job and the Psalter) are in the style of the assistant. The remaining initials in both the Brussels volumes are the work of a third draughtsman, not represented in the Josephus. The related groups of initials in Manchester and Brussels are in exact agreement in the formation of the body of the letters, and in style, construction and individual motifs of the tendril ornamentation. The colour scheme is also the same. In both manuscripts the initials of the group for which the master was responsible are drawn in different colours: inky black and red, varied with green and a pale lilac-purple. Their tendril work stands out against a coloured background which is divided irregularly into green, pale blue and pale yellow surfaces. The assistant's initials, on the other hand, are only drawn in dark brown ink (save for the 'A' on f. 179 v. of the Rylands manuscript, the tendril work of which has an inner edging of red) and are placed against the colourless background of the parchment. The fact that in the Josephus, in contrast to the Brussels Bible fragment, gold and silver are used in the bodies of some initials and once even in the tendril ornamentation (some flower motifs in the 'In principio' initial on f. 2 v.) does not denote any difference in principle. The corresponding groups of initials in the two manuscripts could only have been drawn by the same illuminators. It is otherwise with the script. This shows differences so distinctive that the 'Flavius Josephus' cannot have been written by the scribe of the Brussels manuscript, whose name is known to us. On f. 7 of its first volume the Brussels codex contains—in charter-hand—a detailed dedicatory inscription of the scribe to St. Maria. (Published by J. van den Gheyn, S.J., *Album belge de paléographie*, Brussels, 1908, table XI.) From this we learn that the manuscript was begun on 26th August, 1132, and completed in July, 1135, by a 'Frater Heinricus', 'ecclesie de bona spe humilis filius'—as a two-volume Bible, 'primum inchoans ad genesim, ultimum terminans in apochalypsin', intended for the use of the same church. This 'ecclesia de bona spe' is the Premonstratensian Abbey of Notre-Dame-de-Bonne-Espérance

in Vellereille-les-Brayeux in Hainaut, founded in 1130. There the ' Flavius Josephus ' of the John Rylands Library would seem to have had its origin, and perhaps about the same time as the Bible of ' Frater Heinricus '."

BOSWELL, JOHNSON AND THE BAGSHAWE MUNIMENTS.

" In February, 1767," states Boswell in his famous biography, " there happened one of the most remarkable incidents of Johnson's life, which gratified his monarchical enthusiasm and which he loved to relate with all its circumstances, when requested by his friends." The reference is, of course, to the conversation which took place between Johnson and George III at the Queen's House and Boswell goes on to describe their meeting in some detail. He informs us that he has been at great pains to obtain an authentic account of the whole incident and as proof sets out his sources of information in a footnote. One of these, and the one which he describes at greatest length, was " a minute, the original of which is among the papers of the late Sir James Caldwell, and a copy of which was most obligingly obtained for me from his son Sir John Caldwell by Sir Francis Lumm." The Caldwells, a family of some distinction seated at Castle Caldwell, co. Fermanagh, have, with the possible exception of Hume Caldwell, hardly attracted the attention they deserve, and the Sir James already mentioned receives only one reference from Boswell, although, as we know from other sources, he was the friend of Johnson, Garrick, and others of that literary circle. In 1751 his sister, Catherine, married Colonel Samuel Bagshawe of Ford Hall, co. Derby, and it is ultimately due to this alliance that a large collection of Caldwell family papers has survived among the muniments of the Bagshawes of Ford, now deposited in this Library by their owner Major F. E. G. Bagshawe ; the Caldwell papers, in fact, number over four thousand, and date from the seventeenth century to the nineteenth, the bulk being eighteenth century. Although perhaps of more direct value to the political and social historian than to the literary scholar, this important material includes a number of items which should prove of interest to Johnsonians. It contains, for example, the original letter from Garrick to Sir James Caldwell, written on 14th May,

1776, relating to his proposed visit to Ireland (see *The Private Correspondence of David Garrick*, ii (1832), 150) and the draft of Sir James's long reply, with its references to Swift and Johnson (cf. *Notes and Queries*, 8th Series, i, 1). Other fragments concern Johnson's early friend and imitator Dr. John Hawkesworth and from these it is clear that Hawkesworth and Sir James were on intimate terms; the former, in fact, superintended the education of the John Caldwell mentioned in Boswell's note. Probably the most interesting single pieces, however, are what purports to be the original "minute" cited by Boswell in the quotation given above and, accompanying it, a copy of a covering letter from Johnson to Sir James bearing the date 12th February, 1767, and beginning: "Our friend Doctor Hawkesworth acquaints me that you are very desirous to see a paper reciting a conversation with which his Majesty was pleased to honour me last Tuesday [10th February] in his library. The moment I left the King's presence I put it down in writing as nearly as I could recollect, and I send you a copy of it enclosed." Attention was drawn to this letter in 1886 by W. H. G. Bagshawe in his *The Bagshawes of Ford* (p. 317), but, no doubt owing to the fact that that work was printed for private circulation only, it appears to have escaped the notice of scholars. The survival of the Caldwell "minute" among the Bagshawe Muniments has likewise gone unnoticed. Both have their interest for students of Johnson and his biographer and it is hoped to deal with them more at length in the next number of this BULLETIN.

ROUSSEAU IN ENGLAND.

Rousseau's sojourn in England can hardly be described as an unwritten chapter in his biography. His famous quarrel with Hume, under whose protection he fled from the continent, the fact that he composed here the greater part of his *Confessions*, and, not least, the mental change which took place in him during these months, have, among other things, focused attention on what was after all a comparatively short episode in his life. He stayed in this country from January 1766 to May 1767 and, save for some ten weeks at the beginning and three at the end, lived at Wootton Hall in Staffordshire, one of the residences of Richard Davenport of

Calveley, a close friend of Hume. The stay is fairly well documented in its main outlines. There has survived, for example, correspondence between Davenport and Hume on the subject, letters from Rousseau himself to Davenport, and accounts, in Rousseau's hand, of his personal expenses from March to October 1766. Much of this material, now divided between London and Edinburgh, originally formed part of Davenport's personal papers, which for this reason have long attracted attention. Had these papers remained intact, they would now be among the Bromley Davenport muniments deposited in this Library, but they have been scattered and that portion still surviving here does not contain any additional Rousseau information. Some fragments, however, have recently come to light among the papers of Edward Davies Davenport, Richard's great-grandson, and although of interest rather than importance they should be recorded. They include an early nineteenth-century copy of a Will headed " Ceci est le Testament de moi, J. J. Rousseau, citoyen de Genève, écrit de ma main ", signed and dated at Motiers on 29th January, 1763. In content this Will is similar to, although shorter than, the well-known one of February 1763, but the fact that Rousseau made such a Will in January does not seem to be generally known. Edward Davies Davenport was consulted by the historian John Hill Burton when the latter was writing that section of his *Life and Correspondence of David Hume* relating to the quarrel with Rousseau. There remain in the present collection copies of eleven letters (1766-1767) written by Richard Davenport to Hume, made from the originals in Edinburgh at Burton's instigation and forwarded to Edward Davies Davenport in case the latter wished to make any comments or deletions before they were printed. Another letter shows that Lord Harcourt (Rousseau's " Milord Nuneham ") was contemplating, in 1778, publishing a volume of his letters, " chiefly such as were written during his residence in England and of which his lordship is already in possession of a good number ", and that to this end he circulated in August of that year a request to " the few neighbours " who visited Rousseau at Wootton asking whether they possessed any of his correspondence. Perhaps most striking are Edward Davies Davenport's own comments on

Rousseau, to whom he refers as a " thankless guest " who departed from Wootton leaving " no recollections behind except what belonged to a ' queer old man ' ". Amidst the conflicting and sometimes melodramatic reasons which have been advanced for this departure it is worth noting that the one recorded in the Davenport family is, according to a memorandum left by Edward Davies Davenport, that " he quitted in dudgeon at some servant of whom he complained and who was not instantly (and unheard) discharged. But when his great soul resolved to depart he was reluctantly endebted to his host for the means, which favour he endeavoured to neutralize by insisting on paying one penny per mile ".

LOCAL OPINIONS CONCERNING ROUSSEAU.

Edward Davies Davenport's reference to the opinion held locally concerning Rousseau is confirmed by others, with the addition of more detail. William Howitt, for example, claims to have spoken with some of those who, as children or youths, saw him in and around Wootton and has recorded their views in his *Visits to Remarkable Places*. Any foreigner of eccentric habits living in the squire's house would naturally be closely observed by the villagers and Rousseau, with his unusual Armenian dress, his taciturnity and his solitary plant-hunting expeditions, was likely to be long remembered. Some thought he was an exiled King, others, inevitably, suspected him of dealings with the supernatural and fled when they encountered him. All remembered his wanderings over the moors and hills in search of " yarbs " (herbs)—Dovedale seems to have been one of his favourite resorts—and he is credited with a consideration for the poor which, scholars are agreed, he did not always extend to his generous host and benefactor. He was known locally by the somewhat familiar name of " owd Ross Hall ", a distortion which apparently originated in the equation of " -eau " with the dialect pronunciation of " hall ". " Rousseau ", argues Howitt, writing in 1840, " would thus be, in their fathers' mouths, Ross Ha' ; but the present generation something educated, would endeavour to give ha' the full sound to a stranger, which in their dialect it represents, and ha' would become hall ".

MICRO-FILMING MANU-SCRIPTS AT JERUSALEM AND MT. SINAI.

During the academic year 1949-1950 the American Schools of Oriental Research, with the co-operation of the Librarian of Congress and the Library of Congress Photo-duplication Service, were concerned in a unique project, involving, firstly, a detailed examination of every manuscript in the libraries of the Jerusalem Patriarchates and the monastery of St. Catherine at the foot of Mt. Sinai, and, secondly, the microfilming of as many selected items as possible from these three collections. "The task", writes Dr. Kenneth Clark in his report (*Bulletin of the American Schools of Oriental Research*, No. 123), "was not merely one of passing a complete library under the camera lens. Instead, a staff of language specialists scrutinized, described, restored, evaluated, selected or rejected each manuscript, while they recorded descriptive and historical data that would be invaluable in any subsequent use of the resultant film. . . . The photography was but the final operation in the library, serving to transfer all further research on the manuscript to any interested scholar's desk throughout the world". In general all manuscripts up to A.D. 1600 were included, together with all biblical manuscripts and all manuscripts dealing with the classics, lexicography, philosophy, history, geography, astronomy, mathematics, musical theory, the history of law and medicine, and medical treatises. Small language groups were done in entirety. For the numerous liturgical books of various types the line was drawn at the fourteenth century. Patristics received high priority and many items later than A.D. 1600 were selected. In addition several lists of special requests made by American and European scholars were dealt with in full. The following figures relating to the Mt. Sinai library will convey some idea of the field covered and the results achieved: 2289 Greek MSS. examined, 1100 microfilmed; 550 Arabic, 300 microfilmed; 257 Syriac, 159 microfilmed; all the Georgian (90), Slavonic (41), and Ethiopic (6) were microfilmed, together with an important collection of 1700 historical firmans. Similarly at Jerusalem, where, for example, 1200 manuscripts from the library of the Greek Patriarchate were microfilmed and valuable codices from the special Treasury

of the Armenian Patriarchate. Throughout the year and in all three libraries combined the Schools were instrumental in microfilming some 3,000 manuscripts in twelve different languages, as well as making larger pictures (4 × 5 film) of 2,300 miniatures, most of them new to scholarship. Among notable items recorded were the Armenian Queen Keran Gospels, famous codices of Job, John Climacus and Cosmas Indicopleustes (all profusely illustrated), the Sinai Psalter, complete on six leaves, and ancient uncial copies of the Old and New Testaments. Many manuscripts were discovered in the treasuries which had hitherto remained uncatalogued. Never before has so large and important a body of research material been presented *en bloc* to the world of scholarship and scholars everywhere will join in offering their thanks and congratulations to all concerned in this great undertaking.

PRINTED BOOKS: ACQUISITIONS BY PURCHASE.

During the second half of 1951 additions to the Library by purchase numbered 774. These included one incunable and five S.T.C. items. The incunable, a copy of an edition of *Floretus*, commonly but incorrectly attributed to St. Bernard of Clairvaux, was printed, probably in 1494, at the second press of the celebrated Cologne printer, Heinrich Quentell. It is a most interesting accession for, although twenty-four separate editions of this text appeared in the fifteenth century, not one of them had found a place on the shelves of the Library. It is well known that Lord Spencer, in forming his collection of early printed books, devoted special attention to the period before 1480, but it is surprising that such a popular book has not been acquired amongst the many hundreds of incunables, a large proportion of them printed between 1480 and 1500, which have been added since the opening of the Library.

Two of the S.T.C. items are rare books. Of No. 24723, a medical work, *The Whole Work of John Vigo*, T. East, 1586, S.T.C. records only the British Museum and Cambridge University Library copies ; to these Bishop adds a third in the Huntington Library. The Rylands copy, unfortunately, contains only the works of Vigo ; the two additional parts, containing *Cer-*

taine Workes of Galens, etc., are wanting. Still rarer is a copy of Cicero: *Orationum volumen secundum*, R. Field, 1596. Of this the only other copy appears to be that noted by Bishop as in the Folger Library in Washington. It is interesting to find that these are apparently the only surviving copies of the second volume of any of the three earliest English-printed editions of the *Orationes*. The earliest edition (S.T.C. 5308), printed by T. Vautrollier in 1579, is known only from the Cambridge University Library copy of the first volume. Of an edition of 1585 printed by J. Jacson and E. Bollifant (S.T.C. 5309), shown by the new British Museum *General Catalogue* to be part of a collected edition of Cicero's works, there are copies of the first volume only in that library and in Chicago University Library, while of an edition of 1601, printed by R. Field, which S.T.C. (No. 5310) knows only from the Cambridge University Library copy of volumes 1 and 3, Bishop records three copies of volume one, including that in the Folger Library which is accompanied by Field's second volume of 1596, mentioned above. The remaining S.T.C. items purchased were: No. 3828, Sir R. Brook, *Le Secounde Part du Graunde Abridgement*, R. Tottell, 1576; No. 5035, *The familiar epistles of M. T. Cicero Englished (by J. Webbe)*, E. Griffin (1620); and No. 11947, F. Godwin, *Annales of England*, A. Islip and W. Stansby, 1630.

Other interesting additions from the sixteenth and seventeenth centuries are: a delightful edition of the *Argonauticon* of Valerius Flaccus, printed in Italic type "sumptu Philippi Iuntae" at Florence in 1517; an edition of Justinian's *Digestum vetus*, printed in red and black by A. Boucard at Paris in 1509, and a Justinus, printed at Oxford in 1669, of which Wing records only the British Museum and Bodleian copies. The outstanding sixteenth-century acquisition is, however, an anonymous work attributed to Edmond de L'Allouette, *Apologia Catholica Adversus Libellos . . . & Consultationes . . . editas a foederatis perturbatoribus pacis in regno Franciae*, Parisiis, 1586. This volume, found in a very dirty condition on the shelves of a second-hand bookshop, proved, after careful cleaning, to bear on each cover the blind-stamped arms of Queen Elizabeth. On the example of a Queen Elizabeth binding which came to the

Library as part of the Lloyd Roberts bequest the royal arms are stamped in gold.

Among recent acquisitions are many works, current publications and older books, which are of considerable importance in their respective fields. To the archaeological section, for example, have been added the two volumes, text and plates, of volume I of the report of the Princeton University expedition, *Excavations of Gozlü Küle, Tarsus.* Edited by H. Goldman; volumes 3 and 4 of *Ur excavation texts*, published jointly by the British Museum and the University of Pennsylvania, and two further volumes of Dr. Schaeffer's report on the excavations at Ras Shamra; to the section of palaeography and description of manuscripts, the fine facsimile of the *Book of Lismore*, issued by the Irish Manuscripts Commission, Mangeart's *Catalogue des manuscrits de la Bibliothèque de Valenciennes*, 1860, and Marsand's *Manoscritti italiani della Biblioteca regia parigina*, 1835-1838, 2 vols.; and to the numismatic section a further part (IV, 3) of the British Academy's *Sylloge nummorum Graecorum*, three volumes of the *Catalogue of coins of the Roman Empire in the British Museum*, and the ninth volume of Mr. H. R. Mattingley's monumental *Roman Imperial coinage.* Two important American works have been placed on the quick-reference shelves, Professor M. P. Yilley's *Dictionary of the proverb in England in the 17th and 18th centuries*, and the *Dictionary of North American authors*, by Professor W. S. Wallace, librarian of the University of Toronto.

It has been possible to fill gaps in a number of sets which, by reason of the disruption of book supply caused by the war, or from other causes, were incomplete. The volumes of *L'Annee psychologique*, from the beginning of the war to date, a number of volumes of *Sources chrétiennes*, the last 36 volumes of the Vatican Library series, *Studi e testi*, volumes 1-58 of the *Transactions of the Birmingham Archaeological Society*, and all the earlier volumes of the Luttrell Society have been acquired. The Library has also commenced to subscribe to several additional journals and transactions of learned societies notably *Berytus*, and the proceedings of the Caernarvonshire and Anglesey Historical Societies.

The Library has also acquired 809 volumes by gift, 229 volumes from 39 individual donors, and 580 volumes from 85 institutions. The system of exchange of publications with learned institutions in many parts of the world has continued to be of great benefit to the Library. Substantial gifts of their publications have been received from, *inter alia*, the universities of Basel, Copenhagen, Halle, Helsinki, Lund, Michigan, Stockholm and Utrecht. The gift from the University of Basel was particularly generous. Exchange relations have existed for 25 years during which the University has presented a most representative selection of its publications. Recently the Library was invited to make a similar selection from the works published for the University between 1900 and 1925, and has received a further gift of 52 volumes on classical, historical and literary subjects. The Orientální Ustáv of Prag has also made a splendid gift of complete sets of *Archiv Orientální*, 17 volumes, and *Monografie*, 12 volumes, and of Lexa's great *Grammaire démotique*, in 6 volumes, folio. New exchanges have been arranged with a number of bodies, including the Société d'archéologie copte, the Bibliografski Institut FNRJ of Belgrade, the Institut Arias Montano of Madrid, and the Scuola Normale Superiore at Pisa. The last institution has sent to the Library a set of all available parts, comprising 35 volumes, of its *Annali*, from its commencement in 1873 to date.

GIFTS TO THE LIBRARY.

The Library is again much indebted to the Friends of the John Rylands Library : Hebraic Section. With their assistance a number of important works on Jewish subjects have been acquired, including J. Llamas, *Biblia medieval romanceada Judeo-Cristiana ;* L. Finkelstein, *The Jews* and *The Pharisees ;* J. Stengers, *Les Juifs dans les Pays-Bas au Moyen Age ;* Tur-Sinai, *The language and the book*, in Hebrew, and a group of important Hebrew texts printed in the seventeenth, eighteenth and nineteenth centuries.

Two important gifts have been made by institutions. The Burlington Fine Arts Club, whose splendid series of exhibitions have for many years been so important a feature of London artistic life, has presented a series of 101 of its exhibition

catalogues in the unillustrated edition. As, at the same time, the Library had an opportunity of purchasing a number of the illustrated editions, its collection of these catalogues is now a very fine one. From the Bebington Public Library Committee came a generous gift of 60 volumes which included several interesting items. Especially noteworthy are S.T.C. 4194, Butler's *The feminin' Monarchi', or, a treatise on bees*, Oxford, W. Turner, 1634, in phonetic spelling, and the *Liverpool theatrical investigator*. Vol. 1. Nos. 1-129. (1821.) The collection also included a group of early works on the decipherment of hieroglyphs, and several archaeological studies of which only a very limited number were printed.

Among the gifts from individual donors are S.T.C. 14401, *An Apologie for the Oath of Allegiance, First Set Foorth Withovt a name : And now acknowledged by the Author, the Right High and Mightie Prince , James . . . King of Great Britain . . .*, R. Barker, 1609, presented by Mr. J. B. Jordan, and a volume presented by Mr. H. G. Gerrard, which was sent to him during the war in response to an appeal for books for the troops. It contains S.T.C. 16357, *The Booke of Common Prayer*, B. Norton & J. Bill, 1621 ; S.T.C. 23039, *The Genealogies . . . By J. S(peed)*, (c. 1600), the Old Testament of S.T.C. 2150, the Bible printed by The Deputies of C. Barker, 1589 ; S.T.C. 2891, *The Newe Testament*, The Deputies of C. Barker, 1592, and a Sternhold and Hopkins, *Whole Booke of Psalmes*, I. Windet for the Assignes of R. Day (c. 1600). Mr. Raymond Richards has presented a number of volumes, including Pemberton's *View of Sir Isaac Newton's philosophy*, 1728, and Mr. W. H. Haslam four privately printed volumes of the travel journals of his grandfather, Robert Heywood, two of them being pleasing specimens of the work of Mr. Bruce Rogers at the Cambridge University Press.

During the latter half of 1951 the following donors have made valuable gifts to the Library, and to them the Governors offer their grateful thanks :

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In addition to these donations many learned societies and other bodies have continued to present copies of their periodical publications.

RECENT LIBRARY PUBLICATIONS.

The following is a list of recent Library publications, consisting, with the exception of the first, of reprints of articles which appeared in the last issue of the BULLETIN (September 1951):—

Catalogue of the Greek and Latin Papyri in the John Rylands Library, Vol. IV: Documents of the Ptolemaic, Roman and Byzantine Periods (Nos. 552-717). Edited by C. H. Roberts, F.B.A., Reader in Documentary Papyrology in the University of Oxford, and E. G. Turner, M.A., Professor of Papyrology in the University of London. 4to, pp. xvi, 211. 6 plates in collotype. Price five guineas net.

"Church-Building in the Middle Ages." By C. R. Cheney, M.A., F.B.A., Professor of Medieval History in the University of Manchester. 8vo, pp. 17. Price two shillings net.

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ROGER BACON: THE PROBLEM OF UNIVERSALS IN HIS PHILOSOPHICAL COMMENTARIES[1]

By Fr. THEODORE CROWLEY, O.F.M., D.Ph., Lic. Sc. Hist.,
Maître Agrégé en Philosophie (Louvain)

IN 1848 Victor Cousin contributed to the *Journal des Savants* an article describing an unedited manuscript of Roger Bacon which he had discovered in the library of Amiens.[2] Publication of the manuscript was undertaken by the late Robert Steele and, with the collaboration of F.-M. Delorme, O.F.M., completed between the years 1926 and 1935.[3] The manuscript dates from the closing years of the thirteenth century. It owes its existence, according to Steele, to the zeal of one of Bacon's pupils who was anxious to recover copies of his master's works from the Paris stationers. The manuscript contains a series of loose commentaries, *questiones*, on the text of various Aristotelian and pseudo-Aristotelian treatises. These commentaries bear the mark of oral delivery and were surely notes of lectures delivered by Bacon during his teaching career in the Faculty of Arts at Paris.[4] Historically, their importance lies in the fact that they are the earliest known mediaeval commentaries on the natural philosophy and metaphysics of Aristotle. They were written before Roger had turned to the study of experimental science and languages, i.e. twenty years before 1267. The *terminus ante quem* is, therefore, 1247. The *terminus post quem* is very probably 1241 or 1242.[5] Before 1240, to judge by available sources, the philosophical literature concerned only logic, ethics and grammar.

[1] Paper read to the Mediaeval Society at Oxford on February 12, 1951.

[2] V. Cousin, 'Description d'un manuscrit inédit de Roger Bacon qui se trouve dans la bibliothèque d'Amiens'. *Journal des Savants*, August, 1848, pp. 459–472.

[3] Cf. T. Crowley, *Roger Bacon: The Problem of the Soul in his Philosophical Commentaries*, Louvain and Dublin, 1950, pp. 73–74.

[4] *Opera hactenus inedita Rogeri Baconi*. Fasc. X. *Questiones supra libros Prime Philosophie Aristotelis*, ed. R. Steele and F.-M. Delorme, Oxford, 1930, pp. xv-xvi. In referring to the various fascicles of this series, I shall use the abbreviation O.H.I. followed by the number of the fascicle referred to.

[5] Cf. T. Crowley, *Roger Bacon* . . . , pp. 72–73.

Bacon's commentaries are, consequently, the work of one of the pioneers of the Aristotelian revival of the thirteenth century and enable us to gauge the extent of the penetration of Aristotelian philosophy in the first half of that century. They reveal the intellectual climate of the time, the problems discussed, the solutions proposed, the questions asked, the answers given, the authorities invoked, the influences that shaped the future development of European philosophy.

In selecting to read to you a paper on the problem of Universals in Bacon's philosophical commentaries, I have had no more in mind than these purely historical considerations: How does Bacon pose the problem? What solutions to the problem does he know? What does he conceive to be the correct solution? Does he adopt one solution and adhere to it? Did his teaching exercise any influence on his successors? The problem of Universals is an eternal one. No object of consciousness, nothing of which I am aware, can be described otherwise than in a judgment and the predicate of the judgment is necessarily affected with universality. Nominalists of all time, for reasons that vary and are at times contradictory, have condemned the concept, exploded the universal. As with the sophists of old and the art of discourse, the universal becomes the instrument of its own destruction and volumes have been written, replete with universals, to show the emptiness of the universal. But conceptual thought does not capitulate easily. The instrument that has served, and still serves, man to master the universe cannot be lightly discarded.

How does Roger Bacon state the problem? In the simplest terms. Is the universal something which exists only in the mind or has it an existence in things outside the mind? *Queritur utrum universale habeat esse in rebus vel in anima.*[1] *Utrum universale verius sit in rebus quam in anima.*[2] *Queritur quomodo ponendum est universale, an in rebus vel in anima solum.*[3] *Et queritur ubi est universale et quomodo, utrum in rebus an in anima.*[4] *Queritur utrum universale sit sola et pura intentio.*[5] This is the form under which the problem was stated and discussed by

[1] *O.H.I.*, xi. p. 144. [2] *O.H.I.*, xi. p. 145. [3] *O.H.I.*, x. p. 241.
[4] *O.H.I.*, x. p. 239. [5] *O.H.I.*, xi. p. 150.

Roger Bacon in his lectures. The formula indeed differs little from that of Porphyry—*mox de generibus et speciebus illud quidem, sive subsistunt, sive in solis nudisque intellectibus posita sunt.* When, for example, I say ' this is a tree ', ' Plato is a man ', ' this is a substance ', what precisely do the terms ' tree ', 'man ', ' substance ' tell me about the object of which they are predicated ? Do they signify something in the objects or are they mere names ?[1]

To this question we can conceive various answers. M. de Wulf enumerates four.[2] In the first place, there is what he calls *le réalisme outré*, extreme realism. Out there there are universal entities ; the ideal tree, the ideal man, the ideal substance exist. Somewhere, somehow, there is a world of ideal entities, of universal beings of which the things of sense are mere copies and pale shadows. It is to this ideal world that our universal ideas refer, to these never-changing, eternal, subsisting prototypes. Nobody in the middle ages adopted this solution. Extreme realism in the middle ages took the form that in the concrete, singular things of sense, there existed grades of being (referred to in many text-books as metaphysical grades of being) corresponding to the tableau of generic and specific notions. The schoolmen were familiar with the tree of Porphyry in all its branches, from the *summum genus*, the highest generic notion, substance, to the *species specialissima* or *species infima*, man, for example, that notion that had no subordinate species. The definition of man would be a rational, sentient, organic, corporeal substance. Extreme realism affirmed the real existence in the individual of these various grades of being affected by the appropriate degree of universality. This is important. Substance, body, living being, animal, man—are universals mentioned in descending order of universality. Each grade exists in the individual with its proper degree of universality. The real order thus becomes the perfect reflection of the logical order. Opposed to this extreme realism, there is the solution advocated by the Nominalists. Only individuals exist. In the extramental world

[1] I am concerned here only with the purely historical problem of Bacon's teaching on universals.

[2] M. de Wulf, *Histoire de la philosophie médiévale*, vol. I, Louvain, 1934 (6th ed.), pp. 143-145.

there are only individual, concrete, singular things : this tree, that man, a substance. And every element of the individual is individual. Universality affects only mental words or concepts. These mental words are merely convenient recipes, names, under which we group individuals. They signify nothing outside the mind, they are mere names, *nomina, voces et praeterea nihil, flatus vocis.* It is nothing objective, but only convention, that determines the application of concepts to things. The relation of similarity which the mind perceives between things has no real foundation. A third solution is that of moderate realism. Its essential feature is the distinction it introduces between the *id quod concipitur* and the *modus quo concipitur.* The content of the concept faithfully expresses the reality ; to it the mind adds nothing. The universal character of the concept is entirely due to the intellect and cannot be projected into the object or thing outside the mind. Since the reality is rich and complex and our minds are weak and abstractive, we cannot exhaust in one mental act the whole reality of things. We advance in knowledge by multiple partial conceptions. But we cannot introduce into the reality the divisions we may find necessary to bring order of one kind or another into our concepts. A fourth solution to the problem, one never met with in the middle ages, is that which suppresses the distinction between thought and sensation and reduces the concept to a more or less lifeless and poverty-stricken relict of sensation.

Let us return to Bacon's commentaries and to the question, *an in rebus vel in anima?* Historians of mediaeval philosophy have been inclined to place Bacon either in the category of extreme realists or in that of nominalists ! It is not my intention here to discuss how they arrived at their conclusions but merely to note the strange divergence of opinion.[1] Let us forget the historians for the time being and allow Bacon to speak for himself. There are, he tells us, only three possibilities : the universal either exists in itself or in the soul or in things outside the mind. But

[1] Cf. B. Geyer, *Friedrich Ueberwegs Grundriss der Geschichte der Philosophie*, zweiter Teil, *Die Patristische und Scholastische Philosophie*, 11th ed., Berlin, 1928, pp. 470–471 ; J. A. Sheridan, *Expositio plenior hylemorphismi Fr. Rogeri Baconis, O.F.M. Analecta Gregoriana, xvii, series facultatis philosophicae*, Sectio B, n. 2, Rome, 1938, pp. xxiv f.

it does not, as Plato taught, exist in itself. At no stage of his chequered career did Bacon find any time for Plato's world of ideas : *quia stulta est posicio, et nullus dicit nunc sicut Plato.*[1] We are thus left with two alternatives—the universal exists either in the mind or in things outside the mind. Consider the question : *ubi est universale et quomodo.* The first answer is the following : *et est una posicio quod universale* (*secundum*) *id quod est in rebus est, sub ratione universalis est in anima.*[2] We have little difficulty in recognizing in this opinion the solution proposed by what we have termed moderate realism. But Bacon does not approve of this solution : far from it. *Ista opinio,* he declares, *nulla est,* which we may translate freely to mean that this solution is no solution at all. The distinction between what we conceive (*id quod concipitur*) and the manner of our conceiving it (*modus quo concipitur*) is illusory. Bacon attempts to prove this by taking a few examples. Wherever you find what is signified by ' man ', there it is *sub ratione hominis ;* wherever you find what is signified by ' father ', it is there *sub ratione patris,* and wherever you find what is signified by ' universal ', it is there *sub ratione universalis.* The reasoning has only its vigour to recommend it. It will be repeated by Bacon twenty years later in the *Communia Naturalium* in the same terms.

What, then, is a universal ? It is some real, true nature or essence (the two terms being practically synonymous). The universal which is predicated of things outside the mind exists outside the mind : *universale, quantum ad id quod est, est aliqua natura vera et realis.*[3] Not, however, after the manner of Plato's ideal entities, apart from and independent of the world of sense realities. The universal exists in the singular ; it is one with the individual. *Aut est in anima, aut in rebus, set non est in anima, ergo est in rebus.*[4]

At this point we must advert to an evolution in Bacon's thought. The *Questiones altere supra libros prime philosophie Aristotelis* contain a much less personal and characteristic doctrine of universals than do the *Questiones supra libros prime philosophie Aristotelis.* Both sets of *questiones* date from Bacon's

[1] *O.H.I.*, ii. p. 101.
[2] *O.H.I.*, x. p. 239.
[3] *O.H.I.*, x. p. 240.
[4] *O.H.I.*, x. p. 242.

teaching career at the University of Paris. The more developed doctrine is, as we should expect, the later development.[1] In the first set of *questiones*, the teaching on universals, if interpreted *benigne*, could easily be made to agree with that of the majority of the Schoolmen who favoured moderate realism. The universal, considered as a common nature in which individuals share, has no existence apart from the individuals in which it is found to be realized. Humanity, human nature, has no existence independent of individual men. There is nothing to show that the reality of the universal is distinct from the reality of the singular, nothing to indicate that Bacon held a doctrine appreciably different from that laid down by Abelard and accepted by the vast majority of the Schoolmen.

When we come to the second set of *questiones*, we find a marked change. Bacon is more impatient with the received doctrine, his phraseology takes on a more personal note, his affirmations and denials become more clear-cut. There is, in the first place, a much sharper distinction drawn between the universal as it exists in the mind, the concept or *intentio*, and the universal as a *natura communis*, a common nature shared by individuals. In the early work, we are given seven terms as practically synonymous : *ratio*, *forma*, *similitudo*, *universale*, *intentio*, *ymago*, *natura—universale illis septem nominibus distinctum idem est in re, proprietatibus enim vel ratione diversatur.*[2] The two terms which are of greatest importance from our point of view are *universale* and *intentio ;* they designate the common nature—*universale* as it is one in many (*prout est unum in multis*), *intentio* as it is considered apart (*prout est in anima, unum preter multa*), the objective and subjective face of the universal respectively. In the later work, a more fundamental distinction is drawn. The true universal is something outside and independent of the mind ; the *intentio* or *species* is merely its reflection or likeness. The universal that is predicable of individuals is not a mental entity or concept ; it is a real common nature (*natura communis*)—common to those things of which it can be predicated. It is altogether independent of the thinking or conceiving subject, it precedes the act of knowledge, it generates

[1] *O.H.I.*, xiii. pp. xxx f.

[2] *O.H.I.*, xi. p. 150.

its own concept in the mind. This *natura communis* is the reality to which the concept or *intentio* refers and not the singulars considered in their individual beings.

What is this *natura communis*? Is it a constitutive principle of the individual reality? Once again it is important to remark that Bacon does not admit the existence of a universal entity apart from the singular, concrete reality. His attitude to Plato and to Plato's ideal world has not changed. It can be asserted, therefore, that the *natura communis* has no separate existence, no existence outside the things of sense which are concrete and individual. *Universale nichil est nisi natura communis continuata in particularibus et existens in illis repplicata.*[1] There is then, out there, altogether independently of the thinking subject, a universal nature: *particularia sic conveniunt in natura communi predicabili de eis, sine omni operatione animae.* Socrates and Plato do share a common nature altogether independently of my thinking or comparing them and this common nature is a natural being —*est res naturalis et in predicamento . . . exclusa omni operatione anime.* This universal is neither the form, nor, a fortiori, the matter of the composite. One of the objections which Bacon encounters runs as follows: form is individuated by matter; but everything out there (*omne quod est in rebus*) is received in matter and, consequently, individuated; the universal is not individuated, therefore it does not exist outside the mind. To this objection, Bacon replies that *materia signata* (in reference to quantity) is the principle of individuation but that, besides this, there is a *materia communis* which is the matter of the universal. The universal has its own matter and its own form, a common matter and a common form opposed to the particular matter and particular form of the individual: *et sic universale est in materia communi, quia fit ex materia communi et forma communi . . . sicut singularia ex materia propria et forma.*[2] How can uni-

[1] 'Contra: non contingit ymaginari nisi triplex esse; aut in se, aut in anima, aut in rebus; set universale non est in se per se stans, quia sic esset ydea Platonica, nec in anima ut visum est, ergo etc. Item, universale est natura communis in qua conveniunt particularia; set Sor et Plato et huiusmodi non possunt convenire in aliqua natura communi que est in eis nisi aliquo modo natura repplicata in eis, quia universale nichil est nisi natura communis . . .' (*O.H.I.*, x. 243–244).

[2] *O.H.I.*, x. p. 242.

versals be said to be composed of matter and form? What is this matter which is said to enter into the constitution of the universal? In treating this question in connexion with Bacon's hylomorphic theory, I wrote that Bacon compared matter with the *genus* in the logical order. Matter is a genus. The genus contains potentially its subordinate species and is determined by the addition of *differentiae* which contract and limit it until the *species infima* is reached. In like manner, substance, the highest genus, a composite of matter and the form of substance, is determined in the real order by the reception of forms that become less and less general until the *species infima* is reached. The extramental reality, the individual substance in nature, is a veritable reproduction of the *arbor Porphyriana*.[1]

Have we now solved our problem? Can we now say, 'there is your universal existing *in rerum natura*'? A little reflexion will be sufficient to show that we are as far away as ever from a solution to our problem of universals. All that we can gather from Bacon's hylomorphic theory is that, in the evolution of the individual, the vague and general precedes in time the determined and particular. W. D. Ross has written that Aristotle anticipated von Baer in recognising that in development the more general precedes the more specific character, the nutritive soul (which we share with plants and animals) precedes the sensitive, and the sensitive (which we share with animals) the reasonable.[2] Bacon's interpretation of this gradual evolution may not recommend itself to either the scientist or the metaphysician. But it cannot be too strongly put that it is not to be interpreted as a solution to the problem of universals. Confusion on this point has led many historians astray.

The *natura communis* is not to be identified with any material or formal element in the singular, nor with the composite of matter and form at any stage of the evolution of the individual. Each individual of a species follows the same pattern of development; but Plato's nature is Plato's and not Socrates'. Plato may be a highly composite substance embracing strata of reality differing in degree of determinateness and completeness, but

[1] Cf. T. Crowley, *Roger Bacon* . . . , p. 107.
[2] W. D. Ross, *Aristotle*, p. 121.

every grade is intrinsically marked ' Plato ', individualized, from the moment of conception to the moment of birth. No section of Plato is common to Plato and Socrates. The elaborate structure of the concrete individual leaves entire the problem of universals and it is only by complete misunderstanding that the former has been taken for an answer to the latter.

What is the *natura communis* of which Bacon so frequently speaks? We have heard Bacon say that it is the nature in which individuals share. But there is no nature in which they share other than the individual nature which each possesses, which is repeated or multiplied in the individuals of a species. In the very last question concerning universals in the second set of *questiones*, Bacon encounters the following objection: There is a principle which states *omne quod recipitur in aliquo, recipitur per modum recipientis.* In the present instance, the common nature is received in this individual and in that. Therefore, the common nature will be individuated, particularized. Bacon agrees. Nothing could be farther removed from extreme realism. Whatever is in the individual is individual and not universal: *secundum quod recipitur in isto habet esse signatum et participatum, unde ipsa essentia universalis est semper una, tamen illa replicatur in diversis secundum esse signata et diversa et particulata.*[1] Bacon frequently has recourse to the distinction between the *esse essentie* and the *esse actuale;* the *esse essentie* is the essence considered in the abstract, apart from the actual mode of existence or *esse actuale.* The universal is one considered apart, but as it actually exists it is multiple, numerically distinct in the various individuals in which it is realized. Considering his insistence on the extramental existence of the universal, this statement of Bacon's comes as a veritable anti-climax. Repeatedly and in the plainest terms, he affirms that the universal, *qua* universal, *reduplicative,* exists in the world of nature: *est res naturalis et in predicamento.* It is not contracted or individuated by its repetition in singulars —*non est necesse quod individuetur quia immediate recipitur in materia communi.* In spite of this he affirms that in singulars the existence of the universals is diversified, multiplied, individuated. The universal and the individual are not two, but one,

[1] *O.H.I.*, x. p. 245.

thing : *non est necesse quod sint duo, quia essentia universalis est in isto homine et in illo. Habet tamen esse aliquod appropriatum, particulatum, per quod appropriatur isti.* It would not be difficult to reconcile the dicta of Roger with the doctrine of the moderate realists in spite of certain expressions that seem to mark him as an extreme realist. But any conclusions that we might draw from his earlier writings would leave us dissatisfied and ill at ease. Fortunately, in his later works, and particularly in the *Communia Naturalium*, Bacon returns to a discussion of our problem. The doctrine is substantially the same as that we have discussed above. But there is an attempt to meet our difficulty squarely. With greater vehemence than ever he affirms that the universal exists outside the mind and that it exists outside the mind *qua* universal. But now he faces the objection that whatever is in singulars is singular : *quidquid est in singulari est singulare ; tunc non erit nisi singulare et individuum . . . ut in Socrate est anima singularis et corpus singulare, et scientia, et albedo, sicut ipse Socrates est singularis.* This is precisely the difficulty we have been stressing above. If everything in the individual is individuated and if only individuals exist, where is this famous universal ? Bacon distinguishes a twofold *esse* or being in every individual. There is its absolute being, the being it has in virtue of its constitutive principles ; for example, the being that Socrates has in virtue of his soul and body is his absolute being. Besides this there is the relative being, *esse comparatum*, that he has as compared to other men with whom he has in common a certain specific nature. When you say that whatever is in the individual is individuated, it is true in the first sense, in regard to the absolute being of things. Everything in Socrates, substance and accidents, is stamped and sealed with the mark of individuation. But your statement is not true in regard to a thing's relative being. And this latter is the universal. Two stones and two asses and two pieces of wood would be alike if there were never any rational soul : *etsi non esset anima rationalis, duo lapides convenirent ad invicem, et duo asini, et duo ligna sicut nunc ; set haec conveniencia facit universale, ergo universale remanet etsi anima non esset.*[1] This real relation of similarity, a relation which

[1] *O.H.I.*, ii. p. 94.

is independent of the mind, is precisely the universal objectively considered: *nam universale non est nisi conveniencia plurium individuorum, universale non est nisi conveniencia individui respectu alterius.*[1] The universal is not an element in the concrete essence; it is not an absolute entity entering into the constitution of the individual being. It is a relation which refers one individual to another in some particular way.

It is not difficult to link up this doctrine of Bacon with his hylomorphic theory. His conception of the real and his theory of universals are not contradictory. But we must not be led into confusing the two. The relative being of the individual will have as many grades and be as highly composite as its absolute being; individuals are related at every stage of development from the *summum genus* to the *infima species*. It would, however, be fatal to confuse the two kinds of being, the relative and the absolute. Failure to keep this distinction in mind has led some historians to classify Roger Bacon as an extreme realist. In fact, he is in no proper sense of the term an extreme realist. I am not here discussing whether his metaphysical doctrine did or did not contain the seeds of extreme realism or whether he could not have in fact been more alive to the dangers of extreme realism than he was. If we interpret extreme realism to mean that universals have an extramental existence as absolute beings or grades of being, Bacon was not an extreme realist.

The results of this inquiry can be briefly set forth. In the first place, Roger Bacon distinguishes two faces of the universal, the subjective and the objective, the former being the similitude or mental expression of the latter. The objective face is that real relation of similarity which holds between various individual beings. That relation exists in the real world, altogether independently of the thinking subject. Between Bacon's earlier and later works there is continuity of doctrine and, though the expression of his thought is clearer in his later works, the thought itself is the same. Further problems concerning the nature and role of the real relations which constitute the objective face of the universal are not, to my knowledge, discussed in Bacon's writings. In the second place, the connexion between Bacon's

[1] *O.H.I.*, ii. p. 94.

conception of the real, however great its defects, and his doctrine of universals is very close. There is a parallelism between the real order and the logical order, but it remains a parallelism and never becomes an identification. As Bacon sees it, the logical reflects the real rather than the real the logical.

Did Bacon's teaching exercise any influence on his contemporaries or on his successors? It is almost impossible to answer this question. The idea of the *natura communis* which looms so largely in Ockham's criticism of Duns Scotus needs to be investigated more closely. Perhaps it would not be wrong to suggest that this idea, like so many other of Bacon's ideas, was commonly received in thirteenth-century Oxford.

COLERIDGE ON THE GROWTH OF THE MIND [1]

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COLERIDGE has long provided matter for reflection for literary critics; in recent years we have had studies of him from writers as varied as Mr. Richards, Mr. Read and Professor Willey. So it may well be asked whether there is anything left for a mere philosopher without any pretence to literary criticism to say. My excuse for joining in the discussion is, first, that I find myself fascinated by Coleridge: he makes me think about things I want to be thinking about; secondly, that I do not think we have yet understood the relation between the poet and the philosopher in him; and thirdly, I believe that out of the rubbing together of these two sides there came insights which may well be important, not only in helping us understand something about poetic imagination, but also something about the human mind.

That the philosopher killed the poet in Coleridge is an often told tale. Wordsworth suggested it; Carlyle had his taunt about "transcendental life preservers, logical swim bladders"; it was repeated in substance by Professor Quiller-Couch: "He had landed in Germany a poet . . . he embarked from Germany not yet perhaps the 'archangel a little damaged' (as Charles Lamb described him some sixteen or seventeen years later) but already—and worse for us—a poet lost. . . . The man came back to England intensely and furiously preoccupied with metaphysics. *This*, I suggest and neither opium, nor Mrs. Coleridge's fretfulness, was the main reason why he could not recall his mind to poetry." [2] Coleridge indeed hinted as much himself in a letter to Southey, where he laments his loss of his poetic genius, "which I attribute to my long and exceedingly severe metaphysical investigations, and these partly to ill-health and partly to private

[1] A lecture delivered in the John Rylands Library on Wednesday, the 12th of December, 1951.

[2] Introduction to *Biographia Literaria*, ed. by G. Sampson, pp. xxiv and xxviii.

afflictions which rendered any subjects, immediately connected with feeling, a source of pain and disquiet to me".[1] But is this meant as a stricture on the inner necessity Coleridge seems to have felt to try to understand the creative activity in his own mind? Or is he not rather referring to his attempt to escape from "private afflictions" by severe study? In this same letter, he continues by quoting from his *Dejection* Ode:

> But now afflictions bow me down to earth,
> Nor car'd I that they robb'd me of my mirth.
> But, oh! each visitation
> Suspends what nature gave me at my birth,
> My shaping spirit of Imagination.
> For not to *think* of what I needs must feel,
> But to be still and patient, all I can;
> And haply by abstruse research to steal
> From my own nature all the natural man,
> This was my sole resource, my wisest plan;
> And that which suits a part, infects the whole,
> And now is almost grown the habit of my soul.

But perhaps to-day critics are more prepared to accept the philosopher in Coleridge with all his sins on his head; or at least to realise that Coleridge could not have been Coleridge without him. And who is to say that his analytic interest killed the poet in him when out of it came the *Dejection* Ode, surely both a very great poem and a very great piece of introspective analysis?

I shall try to argue that the heart of Coleridge's "metaphysical" interest was this need to try and understand something of the nature and conditions of the growth of the mind, and also of its frustration, and to struggle with the question of the relation between the world beyond us and the mind when it is working at its most creative in imagination: "the world without and the still more wonderful world within".[2]

One difficulty in estimating this side of Coleridge's reflections is to know how to take the terminology of German Kantian and post-Kantian philosophy in which he presents them. My own

[1] *Letters*, ed. by E. H. Coleridge, Vol. I, p. 388. Mr. H. Read, in his lecture *Coleridge as Critic*, has also noted Coleridge's conjunction of this passage with the *Dejection* Ode.

[2] From Huntington Library MS., quoted by Muirhead, *Coleridge as a Philosopher*, p. 282.

view is that this philosophy gave him a general intellectual apparatus with the help of which he tried to say what he had to say and to give a more systematic appearance to his empirical discoveries, but that he was not concerned to make himself into a post-Kantian idealist on the German model. True, in the collection of extracts from the Note Books called *Anima Poetae*, he says " In the preface of my metaphysical works, I should say : ' Once for all, read Kant, Fichte, etc., and then you will trace, or, if you are on the hunt, track me '." [1] But here he is answering charges of plagiarism, and seeking to make a kind of *omnibus* acknowledgment while saying at the same time that the thoughts had been his own before he had heard of these writers. In any case the track of Coleridge is more complex than Kant and Fichte ; among other paths it leads along the road to Xanadu. Moreover, we can add to this his saying that " I can not only honestly assert, but I can satisfactorily prove by reference to writings . . . that all the elements, the *differentials*, as the algebraists say, of my present opinions existed for me before I had even seen a book of German Metaphysics, later than Wolf and Leibnitz, or could have read it, if I had ".[2]

What then did Kant and the Kantians help him to say that he was already in essentials discovering for himself ?

They helped him to see where he parted company with the empiricist philosophy of the mind with which he had grown up : the view of " ideas " (meaning here sensations), as joined by laws of association, by mechanisms controlled by resemblance and contiguity. Hartley was a symbol to him of this kind of empiricism. There was a stage in Coleridge's development when Hartley was his mentor, suggesting a way of trying to understand the working of the mind. He could even write of him (in 1794 in *Religious Musings*) :

> he of mortal kind
> Wisest, he first who marked the ideal tribes
> Up the fine fibres through the sentient brain.

(Note " ideal tribes " for nervous currents conveying sensations ; " ideas " were held to be somehow derivative from these.)

[1] *Anima Poetae*, p. 106.

[2] *Letters*, Vol. II, p. 735.

Coleridge had an active interest all through his life in physiology and chemistry; he was fascinated as a schoolboy in his brother Luke's medical studies; he kept this interest at Cambridge, and followed it more thoroughly when he went to Göttingen; he kept up a friendship and correspondence with Sir Humphry Davy, and took interest in his experiments on respiration and gases. So it is quite untrue to think that he swam off into speculative philosophy, and had no interest in the scientific and experimental study of mind and body. I believe he was always more empirical than Professor Willey, for instance, allows; and his interest in precise observation divides him decisively from the anti-scientific existentialist Kierkegaard with whom Mr. Herbert Read links him. His quarrel with the Hartleian sensationalist theory of the compounding of ideas was not that it was empirical but that it was untrue to experience. "How opposite to nature", he writes, "and to the fact to talk of the 'one moment' of Hume, of our whole being an aggregate of successive single sensations! Who ever felt a single sensation? Is not every one at the same moment conscious that there co-exist a thousand others, a darker shade or less light, even as when I fix my attention on a white house or a grey bare hill or rather long ridge that runs out of sight each way . . .".[1] And again, "A thing . . . must diffuse itself through the whole multitude of shapes and thoughts, not one of which it leaves untinged. . . . Now this is a work of time, but the body feels it quicker with me."[2] Probably few people now want to defend the notion that ideas are built up by the association of atomic sensations through resemblance and contiguity. But as Professor Richards points out,[3] Coleridge was seeing the limitations of this when it was the fashionable philosophy in this country. And he was doing so not because he had imbibed speculative notions from Germany, but because it was untrue to what he discovered in his own experience. Or rather, as Richards says, "The contrast between living power and lifeless mechanism was no abstract matter with him, but a daily torment". The empirical associationist philosophy was "the intellectual equivalent of his uncreative moods".[4] Hence he attacks the

[1] *Anima Poetae*, p. 102.
[2] *Ibid.*, pp. 31-32.
[3] *Coleridge on Imagination*, p. 68.
[4] *Ibid.*, p. 60.

mechanistic view of the chemistry of ideas, and the mechanistic view of society as a contractual relation between isolated individuals which he thought went along with this. There is a passage in the Philosophical Lectures of 1818 where he guys this Social Contract view: [1] "Here are certain atoms miraculously invested with certain individual rights, from the collection of which all right and wrong is to depend. These atoms, by a chance and will of their own, were to rush together and thus rushing together they were to form a convention, and this convention was to make a constitution, and this constitution then was to make a contract, a very sound contract, between the major atoms and the minor ones that the minor should govern them, but that the major should have a right to knock them on the head whenever they chose; and if there was any quarrel the major atoms were to assume the power of repulsion, suspending then the power of attraction, and dance the old Hay over again till they formed a new convention, which was to form a new constitution, which was to make a contract. . . ."

So Coleridge was seeking a view of the mind as an originative shaping activity, working upon images supplied through sensation, yet making something new and individual out of them. In his earliest interests in philosophy, he had found something like this in Plato and the Neo-Platonists. (The Neo-Platonists may also have interested him because of the strange and queer materials which came into their net. Coleridge was always fascinated by out of the way facts and beliefs, whether about the mind or nature.) And his concern to discover the rôle of an original shaping power of the mind may also account for the period when he was fascinated by Berkeley (Berkeley, it will be remembered, managed to be both an extreme idealist and an extreme empiricist: an instance of one of Coleridge's favourite maxims, "Extremes meet").

Hence Coleridge was looking for a philosophy to describe the active power of the mind before he came across the German idealists. And though Plato and what he calls his "dear, gorgeous nonsense" [2] never lost its appeal for him, it was Kant who helped him to find a way of expressing this which did greater

[1] *Philosophical Lectures* (ed. K. Coburn), p. 195.
[2] *Letters*, Vol. I, p. 211.

justice to his genuine interest in exact observation of matters of fact and in scientific experiment. The main distinctions he took over from Kant were, first, the distinction between the Categories and the manifold of sensation ; secondly, the distinction between the transcendent and the transcendental ; and thirdly, the distinction between the Understanding and the Reason. Kant accepted the empiricist dictum that all our knowledge begins with experience, but not that it is entirely derived from experience. He diagnosed certain general forms of interpretation which we bring to bear on the material of given sensations, and with the help of which we can interpret our experience as a world of objects in space and time causally and reciprocally affecting each other. Coleridge seized on this conception of formative powers of the mind as necessary to the possibility even of simple perception (which he calls the " Primary Imagination "). But though the mind is active, Kant would not allow that there could be knowledge which transcended possible experience. The " transcendent " use of a concept is purely speculative, i.e. the concept is being used to try to say something about what lies beyond all possible experience ; and if we do this we shall run into antinomies, contradictory alternative views between which it is impossible to decide, because there is no evidence in experience to which we can appeal to decide one way rather than the other. By " transcendental " thinking, on the other hand, Kant meant the discovery of the conditions on which it is possible for us to have the experience we do have. So the argument that there must be some sense in which the human will is free is a transcendental argument from moral experience ; the argument that the world had a First Cause and a beginning in time, or, alternatively, has existed infinitely with no beginning in time, is a transcendent argument. It is worth pointing out that Coleridge accepted Kant's distinction between transcendent and transcendental thinking, because he is sometimes accused of having been what Kant called a *Schwärmer*, that is, a person who allowed speculative metaphysical thinking free rein without observing the need for controls within experience. But he could write [1]

[1] British Museum MS. on Logic, II, p. 208. Quoted by Snyder, *Coleridge on Logic and Learning*, p. 119.

" Transcendental knowledge is that by which we endeavour to climb above our experience into its sources by an analysis of our intellectual faculties, still, however, standing as it were on the shoulders of our experience, in order to reach at truths which are above experience ; while transcendent philosophy would consist in the attempt to master a knowledge that is beyond our faculties —an attempt to grasp at objects beyond the reach of hand or eye or all the artificial aids and as it were prolongations of eye and hand—of objects therefore the existence of which, if they did exist, the human mind has no means of ascertaining, and therefore has not even the power of imagining or conceiving ; that which the pretended sages pass off for such objects being merely words from the senses variously disjoined and recomposed, or mere words expressing classes of these images and by addition of other words associated with obscure feelings—a process pardonable in poetry though even there quickly degenerating into poetic commonplace, as for instance, fountains of pleasure, rivers of joy, intelligential splendours, and the like, but as little to be tolerated in the schools of philosophy as on the plain high road of common sense ".

Also in *Aids to Reflection* he attacks the kind of speculative theology which produces ideas derived neither from the senses nor from examining our moral consciousness. Why we may ask, had the Inquirer not asked himself " by what appropriate Sense or Organ of Knowledge, he hoped to secure an insight into a Nature, which was neither an Object of his Senses, nor a part of his Self-consciousness ! and so leave him to ward off shadowy Spears with the shadow of a Shield, and to retaliate the nonsense of Blasphemy with the Abracadabra of Presumption ".[1] And he goes on to compare " the (so called) Demonstrations of a God " to " a species of logical legerdemain not unlike that of the Jugglers at a Fair who, putting into their mouths what seems to be a walnut draw out a score yards of Ribbon—as in the Postulate of a First Cause ".[2]

Crabb Robinson once remarked that he was " altogether unable to reconcile his (C.'s) metaphysical and empirico-religious

[1] P. 165 (1825 edition). [2] *Ibid.*, pp. 176-177.

opinions ".[1] Our belief is that the latter were the more important ; the former mattered to Coleridge as a way of ordering and organizing what he had to say about his empirical, and in a sense religious, discoveries about the growth of the mind.

Here we come to the use he made of the further distinction he took over from Kant, the distinction between Understanding and Reason. To Kant, the Understanding orders the phenomenal world ; that is, it enables us to explore a world appearing to the senses which we interpret by means of the Categories as a world of substances in Space and Time causally and reciprocally affecting each other. Coleridge accepts this in general. " By the Understanding ", he says, " I mean the faculty of thinking and forming judgments on the notices furnished by the sense, according to certain rules existing in itself " (viz., in the Understanding). Reason, on the other hand, for Kant is the kind of thinking which seeks a completeness which can never be found in empirical knowledge. Empirical knowledge is essentially incomplete, both because it proceeds by adding bit to bit in our factual understanding of the phenomenal world, and because it can never tell us the nature of things in themselves, as distinct from their appearances. Reason makes us aware of this essential incompleteness by holding before us ideals, such as the ideal of the world as an intelligible whole, or of the Soul as an active unity behind the succession of states studied by empirical psychology. But these ideals of the Reason are to Kant *regulative* only ; they hold before the mind ideals which would give satisfaction, but they are as it were intellectual carrots ; they can never be reached by the empirical methods by which alone knowledge (as distinct from postulates of practical reason) is possible.

When Coleridge speaks of Reason and of the " Ideas of the Reason " he uses these expressions to mean neither " As If " concepts, nor formal principles of totality, but rather to express something like the dynamic power behind an actual way of thinking ; that is to say, something which is not an objective concept at all. He was always making attempts at saying what he

[1] Quoted from *Diary*, 11th Dec., 1811, by Shawcross, Introduction to *Biographia Literaria*, p. 1. References to *Biog. Lit.* throughout are to Shawcross's edition (Oxford), 1907.

meant by " Ideas ", and could never get it clearly and satisfactorily stated. For instance [1] an Idea is " that which is deeper than all intelligence, inasmuch as it represents the element of the Will and its essential inderivability ". To ask for a conception of an Idea is like asking " for an image of a flavour or the odour of a strain of music ". " Ideas and Conceptions are utterly disparate." So what Coleridge found in Kant, and before him in Plato, were ways of trying to show that there is an active, originative power at work in thinking. Both these philosophers used the term "Ideas", and though they meant very different things, to both " Ideas " indicated something not derived *a posteriori* through the senses but beyond and behind empirical knowledge. Coleridge uses the term to express what may be springs of the original active power of the mind, which is why he cannot present " Ideas " as objective concepts. To him they are more like energies of thinking and imagining, with the thinker's own individual style. Moreover, Coleridge was the first to use the term " Idea " to mean not just a definition, but an attempt to describe the inner ethos or quality of something, as when he writes of " The Idea of a National Church ", and Newman after him was to write of " The Idea of a University ".

All this seems obscure enough talk ; but I think Coleridge is trying to find a way of indicating the productive energy which he believed lay behind the creation of something, whether an institution or a work of art, which had its own individual character. He was always trying to get nearer to understanding this productive energy, and testing what he said by a profound introspective analysis into his own mind ; the states of mind in which productive energy worked, and equally significantly, the states in which it failed to work. And perhaps he can help us most when he is describing these states rather than when he is trying to put what he has discovered into a metaphysical language.

Perhaps not unnaturally he can tell us better what this creative power of the mind is *not* than he can tell us what is ; but we may thus indirectly get nearer to being able to say something about it. We have seen that it is not any mechanical association of ideas ;

[1] Quoted Snyder, *op. cit.*, p. 135, from autograph notebook MS. C. ; cf. also Muirhead, *Coleridge as Philosopher*, pp. 97 ff.

nor is it even that conscious juxtaposition of ready made images which he described as the work of the Fancy. (Coleridge's distinction between the Fancy and the Imagination is generally familiar ground ; and it has been recently discussed by critics far more competent than myself to judge its value.[1]) Whatever this power may be, it is likely to be effectively stopped by the varied means which people find for " Reconciling the two contrary yet co-existent propensities of men, the Indulgence of Sloth with the Hatred of Vacancy ; and which class, besides Novels, contains in it Gambling, Swinging or Swaying on a Chair, Spitting over a bridge, Smoking, Quarrels after dinner between husband and wife when *tête-à-tête*, the reading word by word all the advertisements of a Daily Advertiser in a Public House on a Rainy Day ".[2] Moreover, besides such " Preventive Substitutes of Occupation " which are the resources of what Coleridge calls the " Lazy Indolent ", there is the unproductive business of the " Busy Indolent ", who find ways of occupying their energies while never seriously rousing themselves to think. In contrast with both the Busy Indolent and the Lazy Indolent, the productive state of mind seems to alternate between extreme concentration and receptivity. He has a charming analogy to illustrate this. " Most of my readers will have observed a small water-insect on the surface of rivulets, which throws a cinque-spotted shadow fringed with prismatic colours on the sunny bottom of the brook ; and will have noticed, how the little animal *wins* its way up against the stream, by alternate pulses of active and passive motion, now resisting the current, and now yielding to it in order to gather strength and the momentary *fulcrum* for a further propulsion. This is no unapt emblem of the mind's self-experience in the act of thinking. There are evidently two powers at work, which relatively to each other are active and passive ; and this is not possible without an intermediate faculty, which is at once both active and passive. (In philosophical language, we must denominate this intermediate faculty in all its degrees and determinations, the Imagination.) " [3] This may sound like the old Faculty

[1] Cf., for instance, Richards, *Coleridge on Imagination*, and B. Willey, *Coleridge on Imagination and Fancy* (Warton lecture to the British Academy, 1946).

[2] Rendered by Coburn, *Inquiring Spirit*, p. 206, from Egerton MS. 2800. A variant version of this occurs in *Biog. Lit.*, Vol. I, p. 34 n.

[3] *Biog. Lit.*, I, p. 85.

Psychology; but I think that is due to a difficulty of language. Coleridge is describing a process of thinking where concentrated activity and receptivity alternate, but where the mind is throughout in control, and the Imagination as it were waits, hovering, to seize its chance—if its chance comes. Concerning the receptive stage, he wrote, " A time will come when passiveness will attain the dignity of worthy activity, when men shall be as proud within themselves of having remained in a state of deep tranquil emotion, whether in reading or in hearing or in looking, as they are now in having figured away for an hour. Oh! how few can transmute activity of mind into emotion! Yet there are as active as the stirring tempest and playful as the may-blossom in a breeze in May, who can yet for hours together remain with *hearts* broad awake, and the *understanding* asleep in all but its retentiveness and *receptivity*. Yea, and (in) the latter (state of mind) evince as great genius as in the former." [1]

This productive receptivity is not just reverie, " the streamy nature of association ". It is only possible in a disciplined mind, and one instrument of discipline is to care about the uses of words.[2] Another condition is that thoughts and images should be actively realised, not just carried along as what Professor Whitehead used to call " the burden of inert ideas ". " In philosophy equally as in poetry it is the highest and most useful prerogative of genius to produce the strongest impressions of novelty, while it rescues admitted truths from the neglect caused by the very circumstances of their universal admission. Extremes meet. Truths, of all others the most awful and interesting, are too often considered as *so* true that they lose all the power of truth, and lie bed-ridden in the dormitory of the soul, side by side with the most despised and exploded errors."[3] To realise thoughts is to appropriate them in feeling: and feeling of a physical and not only an intellectual kind. " Metaphysics ", says Coleridge, " make all one's thoughts equally corrosive on the body, by inducing a habit of making momently and common thought the

[1] *Anima Poetae*, p. 66 (under 1804).

[2] Cf. *Biographia Literaria*, *passim*: and especially II, p. 116, where Coleridge speaks of the " beneficial after-effects of verbal precision in the preclusion of fanaticism " (an undisciplined mental emotion).

[3] *Aids to Reflection*, Aphorism I.

subject of uncommon interest and intellectual energy ".[1] He used to speak (a veritably Coleridgean term) of his " Psycho-somatic Ology ".[2]

There must be, too, a lively interest in the resemblances between things, especially resemblances of an unexpected kind ; what Coleridge called " the sunshine comparative power ". How great a part this flair for seeing unexpected resemblances played in the evocation of Coleridge's own images has been shown by Professor Livingston Lowes in *The Road to Xanadu*, where he tracks Coleridge down the queer bye-ways of reading from which the elements of many of them were drawn.

Yet a further condition of the creative growth of the mind is moral integrity. To Kant the Practical Reason, as man's sense of moral responsibility, may supply postulates to the Pure Reason ; to Coleridge it permeates and conditions the whole work of the mind. Our thinking is bound up with our characters as morally responsible people.[3] Yet Coleridge can distinguish between the kind of conscientiousness which can stultify the growth of the mind and the kind which is its condition. A strong sense of duty may be " the effect of selfness in a mind incapable of gross self-interest. I mean the decrease of hope and joy, the soul in its round and round flight forming narrower circles, till at every gyre its wings beat against the *personal self*." [4] *The decrease of hope and joy* : in writing of Pitt,[5] Coleridge remarks that " his sincerity had no living root of affection " ; and again, that " the searcher after truth must love and be beloved ".

For the creative power of the mind depends in the last resort on a deep underlying state which Coleridge calls Joy. Here the *locus classicus* is the *Dejection* Ode. This ode is sometimes quoted (by philosophers, perhaps, rather than by literary critics) as an example of an Idealist philosophy in which nature is an expression of Mind, especially the lines

> O Lady, we receive but what we give
> And in our life alone does Nature live.

[1] *Anima Poetae*, p. 23.
[2] Coburn, *Inquiring Spirit*, p. 67. From MS. note for an essay on the Passions.
[3] Cf. *Aids to Reflection*, *passim*.
[4] *Anima Poetae*, p. 131.
[5] In *Essays on his Own Times*.

But the context makes clear that what Coleridge is describing is not an Idealist view of the production of what we call nature through the categories of the mind, nor is he denying that we live in an environment which is independent of our minds. He is trying to describe

> This light, this glory, this fair luminous mist,
> This beautiful and beauty making power

which makes possible creative vision, and it is Joy.

> Joy, virtuous Lady! Joy that ne'er was given,
> Save to the pure, and in their purest hour.
> Life, and Life's effluence, cloud at once and shower,
> Joy, Lady, is the spirit and the power,
> Which wedding Nature to us gives in dower
> A new Earth and new Heaven,
> Undreamt of by the sensual and the proud.

Coleridge could have agreed with Wittgenstein that "The world of the happy is quite another than that of the unhappy".[1] He may even go further: the actual empirical world we experience differs as we experience it through one underlying state of mind rather than another. (Richards in another connection quotes William Blake, "the fool sees not the same tree as a wise man sees". George Fox speaks in his *Journal* of how after one of his spiritual awakenings the whole creation seemed to have a different smell.)

The sources of such ways of experiencing must spring up in ourselves.

> I may not hope from outward forms to win
> The passion and the life, whose fountains are within.

Coleridge seems to have wondered whether Wordsworth realised how much of the "celestial light" in which he saw nature depended on his own inner power. In the Poem to William Wordsworth, said to have been "composed on the night after his recitation of a poem on the growth of an individual mind" (*sc. The Prelude*), he says,

> Of the foundations and the building up
> Of a human spirit thou has dared to tell
> What may be told, to the understanding mind
> Revealable; and what within the mind

[1] *Tractatus Logico-Philosophicus*, 6. 43.

By vital breathings secret as the soul
Of vernal growth, oft quickens in the heart
Thoughts all too deep for words !
Theme hard as high.
Of smiles spontaneous and mysterious fears
(The first-born they of Reason and twin-birth)
Of tides obedient to external force
And currents self-determined, as might seem,
Or by some inner Power ; of moments awful,
Now in thy inner life and now abroad,
When power streamed from thee and thy soul received
The light reflected, as a light bestowed.

Wordsworth of course also experienced the fading of his paradisical vision. But he believed that he could find a different kind of quiet, steady joy from which he could live.

Though nothing can bring back the hour
Of splendour in the grass, of glory in the flower.
We will grieve not, rather find
Strength in what remains behind ;
In the primal sympathy
Which having been must ever be,
In the soothing thoughts that spring
Out of human suffering,
In the faith that looks through death,
In years that bring the philosophic mind.[1]

He, indeed, achieved a sympathy with fundamental human experience which stayed with him as a source of inspiration. Yet perhaps we can say that Wordsworth in his second wind did not know with Coleridge's devastating self-knowledge the times when he was being a failure. The only renewal of the power of feeling, of hope and joy, to which Coleridge can look has none of Wordsworth's calm assurance. Yet it is not just Dejection ; there is at least the beginning of the rebirth of a power of feeling ; of

A tale of less affright
And tempered with delight,
As Otway's self had framed the tender lay.—
'Tis of a little child
Upon a lonesome wild,
Not far from home, but she has lost her way :
And now moans low in bitter grief and fear,
And now screams loud, and hopes to make her mother hear.

[1] *Ode on the Intimations of Immortality* (which provides a profoundly interesting comparison with the *Dejection* Ode).

Coleridge, then, like Wordsworth, is trying to say something about the " deep power of joy " wherewith " we see into the life of things ". And perhaps more clearly than Wordsworth he realises that what he gives us in this mood is not a realist vision ; but nor is it just " projectionist ", a reading of our own feelings into nature. It is rather the possibility of entering into a deep *rapport* with something in the world beyond us,[1] seeing it with such loving sympathy that we make, as Coleridge says, the " external internal the internal external " [2] and out of this comes the possibility of the creation of imaginative symbolism. But the first condition of such creation is that we should be able not only to look, but to love as we look. The least touch of envy will be enough to stultify it. In his Philosophical Lectures of 1818, he says, " The moment you perceive the slightest spirit of envy in a man, be assured that he either has no genius or that his genius is dormant at that moment, for all genius exists in a participation of a common spirit. In joy individuality is lost, and it therefore is liveliest in youth, not from any principle in organisation but simply from this, that the hardships of life, that the circumstances that have forced a man in upon his little unthinking contemptible self, have lessened his power of existing universally ; it is that only which brings about those passions. To have a genius is to live in the universal, to know no self but that which is reflected not only from the faces of all around us, our fellow creatures, but reflected from the flowers, the trees, the beasts, yea from the very surface of the (waters and the) sands of the desert. A man of genius finds a reflex of himself, were it only in the mystery of being."[3]

I believe that Coleridge was concerned to explore not only a source of the creative power of imagination shown in genius but also more generally the liberation of the mind from deadness and dereliction, a liberation on which its growth depends. Remember the passage on how the renewal of hope comes to the Ancient

[1] This may be what lies behind the complicated pronouncements about the Subject-Object Relation in the " metaphysical disquisition " at the end of the First Part of *Biographia Literaria*.

[2] *Biog. Lit.*, II, p. 258.

[3] Coleridge's *Philosophical Lectures*, edited by K. Coburn, p. 179.

Mariner (surely a poem of dereliction and grace—a very Coleridgean kind of grace) :

> But where the ship's huge shadow lay,
> The charmed water burnt alway
> A still and awful red.[1]
>
> Beyond the shadow of the ship
> I watched the water-snakes :
> They moved in tracks of shining white,
> And when they reared the elfish light
> Fell off in hoary flakes.
>
> Within the shadow of the ship
> I watched their rich attire :
> Blue, glossy green, and velvet black,
> They coiled and swam ; and every track
> Was a flash of golden fire.
>
> O happy living things ! no tongue
> Their beauty might declare :
> A spring of love gushed from my heart
> And I blessed them unaware :
> Sure my kind saint took pity on me,
> And I blessed them unaware.
>
> The self-same moment I could pray ;
> And from my neck so free
> The Albatross fell off, and sank
> Like lead into the sea.

The Ancient Mariner has to be able to *look* at the snakes, contemplate them, and to be able to say " *happy* living things ". And when he can say this, he finds he can bless and be blessed, and his liberation (though it must still be worked out purgatorially) has begun. Professor Irving Babbitt has some scathing remarks

[1] J. L. Lowes, in *The Road to Xanadu* (p. 205), shows that the colours, the " still and awful red " of the charmed water, and the " blue and glossy green " of the water snakes possessed already another definite association in Coleridge's mind. " There is in the Note Book a long passage from a ' Description of a Glory by John Haygarth ', transcribed from the third volume of the *Manchester Memoirs*. . . . " " And the sun shining on a surface of snow covered with a *hoar-frost* exhibit . . . beautiful brilliant points of various colours, as, *red, green, blue*, etc., reflected and refracted at different angles." This passage appears in Coleridge's note books along with jottings from Father Bourzes's account of phosphorescent fishes, and of a rainbow in the spray. It is gratifying to think that Coleridge's reading penetrated to the *Manchester Memoirs* (for 1790).

about " the Ancient Mariner, who, it will be remembered, is relieved of the burden of his transgression by admiring the color of water snakes ".[1] Surely this just shows that Professor Babbitt is curiously blind to the fact that the grace which brings renewal of the power of hope can come in unexpected ways. And note also that the Ancient Mariner was able to be glad for the snakes, and to say from the bottom of his heart, " *happy living things* " (he " blessed them unaware ") when he himself was undergoing profound misery. And to be able to do this may call for greater charity that to be able to feel compassion with suffering when you yourself are happy. As Coleridge himself says,[2] " For compassion a human heart suffices ; for full, adequate sympathy with joy, an angel's ". Kierkegaard asks, in *The Works of Love*,[3] " Which of these two loves more : the happy who sympathises with another's suffering, or the unhappy who truly sympathises with other's joy and happiness ? " and he answers that it is the latter.

I believe that Coleridge's " empirico-religious " philosophy was concerned with exploring the conditions which make possible, and the conditions which frustrate this joy which underlies the the creative growth of the mind. Hence his attempt to talk about " Ideas " as dynamic sources of mental energy. He tried to express this systematically in such theological and metaphysical language as was available to him and seemed appropriate ; but I doubt whether these attempts ever gave him full satisfaction. He could even say " Our quaint metaphysical opinions in an hour of anguish are like playthings by the bedside of a child deadly sick " ;[4] and of the somewhat formidable philosophical exposition of the " Subject-Object " relation at the end of the first part of *Biographia Literaria*, he remarked at the end of his life,[5] " The metaphysical disquisition at the end of the first volume of *Biographia Literaria* is unformed and immature ; it contains fragments of the truth, but it is not fully thought out ".

Coleridge was always talking of how one day his great systematic philosophy of mind in the universe, his *opus maximum*,

[1] *Rousseau and Romanticism*, p. 287.
[2] *Anima Poetae*, p. 282 (1811-1812).
[3] *Works of Love*, translated Swenson, p. 263.
[4] *Anima Poetae*, p. 3.
[5] *Table Talk*, 28th June, 1834.

would be fully thought out, and written : it never was. But what he saw as " fragments of the truth " remain, perhaps more in scattered notes and in the symbols into which they were transmuted in his poems, than in his repeated attempts at " metaphysical disquisitions ". Yet perhaps without his persistent need to try to understand what he calls " facts of mind ", " the heaven descended KNOW THYSELF ", even the symbols of his greater poems could not have been created. The Ancient Mariner, Christabel, Kubla Khan, give us above all symbols of dereliction and joy. Joy for Coleridge was not just an " equipoise of the intellectual and emotional faculties ",[1] at any rate if this means the achievement of a balanced temperament, which he sorely lacked. It was a state in which it was possible to bless and be blessed ; and to Coleridge there was no half-way house : its absence was like the misery of a curse. And what he learnt about joy came as much from his failure to achieve liberty of spirit as from the rare moments when he did achieve it. For most of the time he was a failure. A remark of Wordsworth's, though patronising, probably has its truth. " It was poor dear Coleridge's constant infelicity that prevented him from being the poet that Nature had given him the power to be. He had always too much personal and domestic discontent to paint the sorrows of mankind. He could not afford to suffer with those he saw suffer." [2] Coleridge himself showed that he knew how often he was a failure in his self-composed epitaph :

> Mercy for praise, to be forgiven for fame
> He asked, and hoped through Christ. Do thou the same.

There are hints from time to time in Coleridge's writings that he was seeking some means of showing that the growth of the mind he was trying to understand was continuous with a wider power of growth in nature. There is the saying in *Biographia Literaria* [3] that " the rules of the imagination are themselves the very powers of growth and production ", and we may compare with this some passages in the Appendices to the *Statesman's*

[1] E. H. Coleridge, edition of *Christabel*, p. 17.

[2] Quoted by De Selincourt, *Wordsworthian and Other Studies*, p. 65, from British Museum MS. of Barron Field's *Memoirs of the Life and Poetry of W. W.*

[3] II, p. 65.

Manual. For instance, in contemplating nature, he says, " I seem to myself to behold in the quiet objects, on which I am gazing, more than an arbitrary illustration, more than a mere *simile*, the work of my own fancy. I feel an awe, as if there were before my eyes the same power as that of the reason—the same power in a lower dignity, and therefore a symbol established in the truth of things. I feel it alike, whether I contemplate a single tree or flower, or meditate on vegetation throughout the world, as one of the great organs of the life of nature." And he speaks of how a living thing . . . " with the same pulse effectuates its own secret growth " . . . " the plastic motion of the parts . . .".[1]

And so, finally, " Whether Ideas are regulative only, according to Aristotle and Kant ; or likewise constitutive, and one with the power and life of nature, according to Plato and Plotinus (ἐν λόγῳ ζωὴ ἦν, καὶ ἡ ζωὴ ἦν τὸ φῶς τῶν ἀνθρώπων) is the highest problem of philosophy, and not part of its nomenclature ".[2]

There are echoes in all this of Schelling, who wrote of " the holy and ever-creating primal energy of the world ", and could say that the creative power of genius in art is to be described as the intellectual correlative of the creative purpose in nature ; Schelling looks on art as a way in which " the pure energy of things may flow together with that of our souls and both gush forth together as one stream ".[3] But Schelling's expressions are *Schwärmerei* in a sense in which I believe Coleridge's are not. In spite of his metaphysical and theological language, Coleridge seems to be the more tentative, more empirical. He is impressed by the way in which, as he says, we find ourselves driven to talking teleologically about nature " with a feeling very different from that which accompanies a figurative or metaphorical use of words ". " Without assigning to nature, as nature, a conscious purpose, (a thinker) may yet distinguish her agency from a blind and lifeless mechanism." [4] In the *Hints towards the Formation of a more Comprehensive Theory of Life* (an unfinished sketch in honour of John Hunter) he tries to describe life as " that sort of

[1] *Statesman's Manual*, Appendix C. [2] *Ibid.* Appendix E.

[3] Cf. especially Schelling's *Ueber das Verhältniss der bildenden Künste zu der Natur* (translated by A. Johnson, " On the Relation between the Plastic Arts and Nature ").

[4] *The Friend*, II, 10.

growth which takes place by means of a peculiar organisation ", and illustrates this up and down the scale, from the stages of irritability and sensibility to nervous organisation.

Hence when Coleridge seeks a relation between " the world without and the still more wonderful world within ", he seems to suggest two ways (not mutually exclusive) in which this may be found. One way is the possibility of some kind of teleological continuity. " The rules of the imagination are the very powers of growth and production." The other way is by seeing how the imagination creates a new world of symbols out of a responsive *rapport* with the surrounding world of nature. The imagination does not mirror or copy or even combine elements in nature. It fuses its images into something new, a new world created out of the interplay between the mind and nature in alternate moods of receptivity and activity.

This suggests that what is called " poetic truth " is not a matter of correspondence with an external world, nor of coherence in the logical sense of the consistency of propositions. It is the creation of something new, and its truth consists in the authentic realising and fusing of images in an individual vision. To the poet, this experience is, as Coleridge is always saying, a knowing which is at the same time a making. The poet, through discovering what he has to say, purifies and re-creates his own mind. Professor C. Day Lewis [1] has recently described the truths of poetry as " operative " ; they involve " a search within the poet's self for the essential reality of that self, in the course of which the self is being constantly modified ". Perhaps this self-knowledge, which is both purificatory and creative, is part of what may be meant by the " growth of the mind ". Or indeed, it may even be more accurate to say that building up a power of this kind of knowing is what we mean when we speak of " the growth of the mind ". Such power is found in that combination of activity and receptivity which Coleridge called joy : a state in which the imagination can wait, and watch for its chance. And if its chance comes, it may produce something which can exist independently and in its own right ; but it may also achieve a leap forward in its own growth.

[1] *The Poet's Task*, p. 7.

SOME FITZGIBBON LETTERS FROM THE SNEYD MUNIMENTS IN THE JOHN RYLANDS LIBRARY

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JOHN FITZGIBBON (created Earl of Clare in 1795) played an outstanding and distinctive part in Irish politics, being for twenty years an outspoken, courageous and consistent upholder of the rights of the Irish executive, the protestant ascendancy and the connection with Great Britain. It has been stated that on his deathbed he instructed his wife to destroy his papers, giving as his reason that their contents would prove damaging to a great many people.[1] Nevertheless a good many of his letters survive scattered through various collections. A number were printed in two nineteenth-century works [2] and over a dozen have been printed or calendared by the Historical Manuscripts Commission. In addition there are about fifty in the British Museum,[3] of which one group, those in the Auckland papers, has been printed by Litton Falkiner as an appendix to his essay on Clare,[4] and there are a few others in the Chatham papers in the Public Record Office and in the Pretyman papers.[5] Recently the John Rylands Library acquired another group consisting of forty unpublished

[1] This story, which certainly reflects Clare's cynical good-nature, was first published by C. Phillips in *Curran and his Contemporaries*, Edinburgh, 1850, p. 154, a gossipy and sensational collection of legal reminiscences. It is not in the first version of Phillips' work, which appeared in 1818 under the title *Recollections of Curran and his Contemporaries*.

[2] *The Journal and correspondence of William, Lord Auckland*, ed. by R. J. Eden, 4 vols., London, 1861-1862; *Correspondence of the Rt. Hon. John Beresford*, ed. by W. Beresford, 2 vols., London, 1854.

[3] In the Auckland, Hardwicke, Liverpool, Pelham and Wellesley papers.

[4] H. L. Falkiner, *Studies in Irish History and Biography* (London, 1902), pp. 141-152.

[5] Lord Ashbourne, *Pitt : some Chapters of his Life and Times* (London, 1898), pp. 257-277.

letters of Fitzgibbon to William Eden,[1] the first Lord Auckland. They are amongst the muniments of the Sneyd family of Keele Hall, Staffordshire, which Mr. Raymond Richards has deposited in the Library. And, it may be added, besides these forty letters the collection contains a very large number of letters to or from the second Earl of Clare, Fitzgibbon's eldest son. The exact provenance of the forty letters addressed to Auckland is uncertain. Ralph Sneyd (1793-1870) was both an ardent collector of manuscripts and an Eton and Christ Church contemporary of the second Earl of Clare, with whom he maintained a vigorous correspondence for many years. After the second earl's death his sister, Lady Isabella Fitzgibbon, who had been greatly attached to her brother and who found the rest of her family unsympathetic, relied on Sneyd, who was not only her adored brother's old friend but a trustee of his will. And from time to time she sent him packets of family letters, including ' a small parcel directed to Lord Bathurst (which he advised me thro' his sister not to destroy) relative to the duel with Mr. Grattan '. Thus, if Fitzgibbon's letters to Auckland had been returned to the former's family, it is easy to see how they might have come into Sneyd's possession. Alternatively if he had had an opportunity of acquiring them, owing to his long and close connection with the family he would have had a strong incentive to avail himself of it.[2]

Since Fitzgibbon was ready to state his opinions on every subject freely to Eden,[3] the Sneyd group of letters is of considerable importance for the light they throw both on Fitzgibbon's career and on Irish politics at the close of the eighteenth century. Of course it must not be forgotten that the letters are those of a hard-hitting politician, always prejudiced and often impatient, writing with rough-and-ready freedom to an intimate friend. Highly efficient and conscientious, Fitzgibbon was a harsh critic both of his parliamentary opponents and of his colleagues.

[1] The letters are divided chronologically as follows: 1784-1787, 6; 1795-1796, 4; 1797-1798, 5; 1799, 9; 1800, 11; 1801, 4.

[2] For information regarding the provenance of the letters I am indebted to Dr. F. Taylor, Keeper of Manuscripts in the John Rylands Library.

[3] Fitzgibbon to Eden, 22nd December, 1796. Unless otherwise stated quotations are from the Sneyd collection of Fitzgibbon letters.

Moreover the sensible realism, which was a marked feature of his approach to politics, was prone to lapse into a cynicism which can become distorting and at times seems almost adolescent. Still, Fitzgibbon was intelligent and clear-headed, and his letters contain many pointed and pregnant passages. Above all they reflect the outlook of a determined and dominating member of the Irish administration at a critical stage in his country's history.

Eden's connection with Ireland began at the close of 1780 when he was appointed chief secretary. And though he was in office only for about eighteen months, and was apparently socially handicapped by his temperate habits, he managed to become popular in Dublin official circles. Combining in a high degree administrative ability, public spirit and a competent grasp of the crude realities of contemporary political life, he soon forged close links with several Irish politicians, including John Beresford and John Scott, later Lord Clonmell.[1] His Irish friends must have been favourably impressed by his concern for their fortunes after his return to England, and Eden found a specialised knowledge of Irish affairs a definite asset during his later career. Before Eden arrived in Ireland Beresford and Scott had been emphasising that Fitzgibbon's support would be of undoubted value to the hard-pressed Irish administration.[2] A young man of means, Fitzgibbon had entered the Irish House of Commons in 1778 with a good professional reputation as a barrister, and though " an independent ", his bent in favour of authority seems to have been discernible at an early stage. Though Fitzgibbon later wrote to Eden ' you have the credit or disgrace of having initiated me in politics and Flood says you have ruined a very promising young man ',[3] it was not until the Fox-North coalition was in power that he was given office, being appointed Irish attorney-general in November, 1783. This marked the beginning of Fitzgibbon's real career, for his inherent qualities were those of a strong administrator rather than of an independent critic. But two letters in the Sneyd collection illustrate vividly the difficulties of an honest, hard-headed, Irish politician for

[1] *Correspondence of the Rt. Hon. John Beresford*, i, p. 156.
[2] *Ibid.*, pp. 38, 63-68, 92, 101, 107.
[3] Fitzgibbon to Eden, 22nd August, 1785.

whom the confusion produced by the kaleidoscopic changes in English affairs was still further confounded by the existence of distinctive Irish issues and the way in which Irish political groups could be tied up with English connections. Just after Pitt took office, Fitzgibbon was obviously hostile to the new government, and he promised Eden, who had been dismissed from the coalition, that

> I shall inspect the king's letter appointing new vice-treasurers very minutely, knowing the very peculiar situation of my friends in England. I had already determined not to sign a fiant for a new Treasury commission without proper deliberation. I need not assure you that your letter has not in any degree altered my opinion upon this subject. I find that my very gracious master has most graciously accepted Lord Northington's resignation. Can any man be found so adventurous as to come over here immediately to succeed him?

But above all he seems to have been disturbed

> by the consequences to England of the struggle which must necessarily take place between the contending parties almost immediately. Most certainly it will have very pernicious effects in this country. Lord Northington, much to his honour, is as anxious to preserve order and government in Ireland as if he were to remain here. He had nearly effected the quiet of the country. What effect the present confused and uncertain state of the English Ministry may have upon our politics it is at present almost impossible to conjecture.[1]

Six months later, however, Fitzgibbon had come to the conclusion that 'Mr. Pitt seems to have carried everything before him. He is, I believe, a man of uncommon ability'. But seeing 'that he stands not a little in need of men of business to assist him' in the House of Commons, Fitzgibbon hoped that Eden's 'political connections may allow you to go into a station of active duty'.[2] Since Fitzgibbon had been continued in office as Pitt's Irish attorney-general it is tempting to dismiss his conversion as characteristic of an able lawyer intent on a successful career. But this would be unfair. From Fitzgibbon's letters to Eden as from his speeches there emerges a clear and coherent if limited approach to Irish political problems. Most eighteenth-century politicians regarded democracy with distrust. But Fitzgibbon in the eighties expresses this distrust with a vehemence rare

[1] Fitzgibbon to Eden, 12th January, 1784. Eden, who had been appointed one of the Vice-treasurers of Ireland by the Coalition, was omitted from the new patent issued shortly after Pitt took office.

[2] *Ibid.*, 29th August, 1784.

before the fall of the Bastille.[1] If his attitude was rooted in his own proud self-assurance it was strengthened by local circumstances. As a protestant he was a member of a privileged minority which he believed to be the most valuable element in the community. As a lawyer he was angered by the way in which at the end of 1783 parliamentary reform in Ireland derived a dangerous impetus from the Volunteers. And as a convinced upholder of the British connection, which he thought guaranteed the protestant ascendancy and the Irish social structure, he was averse to the confident nationalism which was so strong in Ireland during the last two decades of the century. In the letter which has already been quoted he complains about the radicalism which was surging up in Dublin in the wake of the Nationalist agitation that had culminated in the repeal of the Declaratory Act. Having mentioned the tarring and feathering which was taking place in Dublin [2] and his success in getting the editor of the *Volunteer Journal* committed to Newgate,[3] he went on to say

> The gentlemen of the country see the necessity of beating down the rabble but are afraid to come forth. The cry is, "why should we expose ourselves to the fury and indignation of the people? We do not know that the present ministry of England will stand and we can't be certain if there is a change of ministry that we shall not be proscribed for supporting the government." As to parliamentary reform, as it is called in this country, if any alteration is made in the constitution of the House of Commons in Ireland there is an end of any connection with England, unless it can be maintained by the sword. I have very little doubt that French gold is in circulation amongst the lower class of the people in this country. The Puritans of the North are become advocates for religious tolerance, and the catholics profess a strong predilection for republican government. The Puritans tell them, "if you will assist us in reforming

[1] In 1787, when Eden was engaged in commercial negotiations in Paris, Fitzgibbon was delighted to supply him, apparently at the request of the French government, with an account of the Irish Act of 1784 'for securing the liberty of the press by preventing the abuses arising from the publication of traitorous, false and slanderous libels by persons unknown'. He thought M. de Montmorin would not find it difficult to adapt the act 'to the principles of the French government' (Fitzgibbon to Eden, 18th November, 1787).

[2] Crude methods were employed during the early 'eighties to enforce a protectionist policy favouring Irish Manufactures (R. B. McDowell, *Irish Public Opinion* (1944), pp. 86-88).

[3] For the proceedings of the House of Commons against Matthew Carey, the editor of the *Volunteers Journal*, see *The Parliamentary Register . . . of Ireland*, iii, pp. 144-145, 171-178.

the constitution, we will assist you in shaking off every restraint upon you." If the worthy personages succeed in their projects, it does not require any great degree of sagacity to discover that we shall not very long have a protestant government in this country. I am told the King of France is a very popular character in the North of Ireland, that he is considered the great assertor of the liberties of the world. I would to God I could put some of these gentlemen who are so enamoured of French liberty under the government of that great assertor of the rights of Mankind. I think I could effectually tame them in a very short time. . . . I can truly assure you that nothing but a strong sense of duty would induce me to remain one hour in this country. There is a nasty malignant, levelling spirit diffused generally amongst the people that disgusts me beyond the powers of description, and unless it is speedily beaten down, most assuredly I will quit Ireland and very probably never return to it.[1]

Fear sometimes gives the conservative prescience, and generally speaking Fitzgibbon's sketch of the Irish situation in 1784 curiously anticipates the ideal aimed at by Tone in 1791. It also attributes to the radicals of the 'eighties a greater command over political tactics than they in fact possessed. It may be also added that fifteen years later Fitzgibbon re-echoed his concluding sentiment in almost identical terms :

In the great object of rescuing this giddy country from ruin, you will readily believe that my personal situation has no manner of a weight with me. I can most truly assure you that I am so completely sickened with the folly and madness and corruption of my countrymen that nothing short of a strong and just sense of duty should induce me to continue an actor in Irish politics on any terms.[2]

But Fitzgibbon's feelings towards Ireland were always complex and even confused. In 1785, irritated by the failure of the revised commercial propositions, he wrote to Eden :

Whatever idea you may hitherto have entertained of the madness and folly of my countrymen be assured it falls far short of their merits. Their very honourable and just indignation at the insidious offer of wealth and real independence made to them by Mr. Pitt, must ensure to them the admiration and applause of every nation in Europe. God Almighty bless them. If my lot had not been cast amongst the fools, I could see them running to the devil with perfect indifference. But I have acquired vicious habits of regard for the pitiful spot of the globe which I hate myself for not being able to shake off.[3]

Fitzgibbon's political opinions were unchanged though if possible intensified by the outbreak of war with France in 1793.

[1] Fitzgibbon to Eden, 29th August, 1784. [2] *Ibid.* (*c.* September, 1799).
[3] *Ibid.*, 22nd August, 1785.

But though he could trust the British cabinet, the Irish administration, and the majority of members of parliament to maintain an intransigent resistance to reform and social change, he was uncomfortably aware they might be convinced by the argument so eloquently expounded by Burke, that the catholics were inherently conservative and could be enlisted in the ranks of the defenders of the established order by concessions. Fitzgibbon saw the issue entirely in an Irish context.

'The catholics', he explained to Auckland, 'are now distributed into three classes. The higher order, consisting of men of property and consideration, who are few in number; the agitators, who are much more numerous and are to a man rebels and republicans, and many of them infidels; and the mass of the people who are in a state of perfect barbarism and ignorance. The first class very naturally wish for a repeal of the laws which exclude them from the state and bear upon their religion, but they would not hazard a convulsion to gain the object, and I am confident if they could once be satisfied that it cannot be attained without convulsion, they would resist the project as warmly as any other description of the king's subjects ought to do. The agitators who have assumed to themselves the government of the whole body of the catholics now for five years look to separation from England, and, of course, to a subversion of the Monarchy, and if they were to succeed in their present object of catholic emancipation, as it is most stupidly and wickedly called, it would only encourage them to proceed in their projects of treason. And with respect to the mass of the people, they are perfectly indifferent and uninterested on the subject, except they are taught by the agitators to suppose that catholic emancipation means anarchy and plunder.[1]

Naturally then Fitzgibbon was heartily opposed to the policy of emancipation proposed by Fitzwilliam and 'the whigs as they now call themselves', and he urged upon his friends a constitutional theory which would erect an impassable barrier against the catholics' claims.

'If we are to gratify the papists of Ireland in their present pursuits', he wrote, 'we must repeal the Acts of Supremacy and Uniformity, the Bill of Rights and the Test Act, or, in two words, we must abolish the Reformation and subvert the constitution as established at the Revolution in Church and State, and how this can consist with the king's coronation oath, by which he is bound to maintain the protestant Reformed religion as by law established, I cannot conceive. How he is to maintain a protestant church by a popish state is a state problem which can be solved only by the sagacity of Mr. Grattan and his fellow labourers in the modern system of popish emancipation . . . whatever doubts or cavils may be created upon the construction of the coronation oath, surely no man can doubt that the king by repealing any clause in the Act of Supremacy or by doing any

[1] Fitzgibbon to Eden, 18th May, 1795.

other act acknowledging the ecclesiastical jurisdiction of the pope in any of his hereditary dominions, is by such an act reconciled to the church of Rome, which, by the direct provisions of the statute which has seated his family upon the throne, induces a forfeiture of his crown.' [1]

This theory was set out in letters to Beresford [2] and in a long letter to Auckland, which was almost certainly shown to Loughborough. In this letter he says that if Grattan had not in December, 1794, pressed the members of the catholic committee to come forward with their claims the question 'would have slept in quiet', and he gives a vigorous account of an important interview he had with Fitzwilliam when the latter stated his determination was to repeal every clause in the statute book which in any manner affected papists in Ireland. Fitzgibbon promptly replied that

I must presume His Excellency was apprised that the name of papist was in effect already blotted from our statute book and that the only civil disabilities to which papists by name are now liable in Ireland are a disqualification to vote in parish vestries when money is to be raised for the support of protestant churches and to carry arms unless possessed of an ascertained real or personal property.

Admittedly after scoring the legal point he had to grant that the catholics were affected (as were protestants) by the Acts of Uniformity and Supremacy, the Test Act and the Bill of Rights. But then he was able to urge at length his constitutional argument and the political consideration that

if papists were ever allowed to sit in the parliament of Ireland it must of necessity lead to a reform of parliament, as it was called, or in other words to a popular House of Commons detached altogether from British influence, that to my knowledge a deliberate and settled conspiracy now existed in Ireland from the year 1791 to separate this country from Great Britain, and that catholic emancipation, as it was most improperly and wickedly called, was the corner stone of the system, and that the principal conspirators were the men who had come up to the Castle of Dublin with an address to him, and if I had known of his intention of speaking to me upon the subject on that day, I would have brought original papers in my possession verified upon oath,[3] which would have satisfied him of the fact, that

[1] Fitzgibbon to Eden, 24th March, 1795. This letter was apparently shown by Eden to Loughborough (*Journals and Correspondence of Lord Auckland*, iii, pp. 303-304).

[2] *Correspondence of the Rt. Hon. John Beresford*, ii, pp. 70-78.

[3] Fitzgibbon probably meant the documents in the Report of the secret committee of the House of Lords of 1793 which tried to show that members of the Catholic Committee were in communication with the Defenders.

my duty to the king made it necessary for me to put him in possession of this information, and therefore, I did request he would send to me on any morning when he had leisure for half an hour and I would wait upon him with the papers which contained it. He said he would send to me for the purpose, but from that day to this I never heard from him upon the subject.[1]

Fitzwilliam was recalled in March, nevertheless in May the Irish whigs introduced a Catholic Emancipation Bill into the House of Commons, and though it was defeated it received a substantial measure of support. Fitzgibbon took the opportunity to point one of his favourite morals, explaining to Eden that

the numbers which appeared in the minority on the catholic question are to be attributed to the false and mistaken policy of Great Britain in 1792. Many of the county members who support government voted for the bill against their conviction to court the popish influence in their counties, and many more voted in the same way under an apprehension that the British government intended only to oppose the claim for the present and would yield hereafter. And until this impression is completely removed we will never be at peace upon the subject.[2]

After Fitzwilliam's recall the crisis steadily approached and in several letters to Auckland Fitzgibbon draws a grim picture from his viewpoint of the situation.

If Hotche [Hoche] had been able to disembark his troops when he first made the coast he might have now been within reach of Dublin. There were not two thousand men in and about Cork. Our weakness in that quarter is justified by a promise made on your side of the channel of a reinforcement of regular troops at Cork which however was forgotten. . . . It seems to be altogether incalculable that a French fleet should have been on our coast for more than a fortnight and that not a British ship of war should have made its appearance to molest them. . . . The dispositions of the people in the south are excellent and from their conduct heretofore I trust and believe that if the enemy should land he will not meet the reception which he expected. I have no doubt that this favourable turn is to be attributed altogether to the enrolment of yeomanry corps, which have in every instance displayed the greatest alacrity in tendering their services. In the northern province I am sorry to say a very different spirit prevails. The people of that district have not only refused to come forward in defence of the country but have openly avowed their satisfaction at the arrival of their French allies and betrayed the strongest symptoms of insurrection. And we are now obliged to keep ten thousand of the best troops in the kingdom in that district for the sole purpose of keeping down rebellion there. When Holland was threatened you sent her immediate assistance, when Portugal was threatened you sent her assistance, surely, then we have some right to expect not to be forgotten altogether, more especially when we raised twenty thousand troops of the line for our own defence, which have been all ordered on foreign service and replaced by ragged fencible regiments, which on their first arrival

[1] Fitzgibbon to Eden, 24th March, 1795. [2] *Ibid.*, 18th May, 1795.

in Ireland had more the appearance of Falstaff's recruits than of soldiers to whom the defence of the country was to be entrusted. The Irish militia forms a very fine body of men but their officers are so scandalously negligent and inattentive to their duty that I do not know how to trust to them against a veteran army.[1]

As for the generals, if Dalrymple who commanded at Cork had acquitted himself well, the officer commanding at Limerick, Major-General Edward Smith, was 'a mad Methodist', Major-General Eustace had been dubbed by the wits 'General Useless', and Major-General Amherst, 'utters more treason than any United Irishman'.[2] But Fitzgibbon was equally critical of some of his civilian colleagues. Lord Camden when viceroy was so good-natured that 'he can scarcely be brought to give orders to a military force to act with effect',[3] and two successive Irish chancellors of the Exchequer were contrasted in a way which was scarcely flattering to either.

Corry is a man of polished manners and great assiduity. When he was in opposition he was up almost every half hour in every day and could talk upon all subjects with great flippancy and for any given time. Since he came into office he has been extremely costive, but I should hope that being now in a very important and confidential situation he will come forward as becomes it, and I am confident that no attention will be wanting on his part to the very material department of his office. He certainly has one advantage in being Parnell's immediate successor, who was the most brutal, blundering, inefficient financier in the habitable world. You have probably heard of poor little Bushe's observations on one of his budgets after he had opened it. "He is brave and unintelligible."[4]

One of the root causes of Ireland's evils which Fitzgibbon emphasised in his letters to Auckland—possibly because he believed it could be corrected—was the failure of successive British governments to evolve a sound Irish policy. 'One great misfortune', he wrote, 'is that the people of England know less of this country than of any other nation of Europe'.[5] Consequently from 1782 there had been 'nothing like system in the government of Ireland. We have seen nothing here but administrations of shifts and momentary expedients'[6]. In so far as there was an attempt it had been a mistaken one, and Fitzgibbon summarised it in terms of unmitigated condemnation.

[1] Fitzgibbon to Eden, 2nd January, 1797.
[2] *Ibid.*, 14th January, 1797.
[3] *Ibid.*, 12th May, 1797.
[4] *Ibid.*, [Jan.] 1799.
[5] *Ibid.*, 22nd December, 1796.
[6] *Ibid.*, 23rd May, 1798.

I must repeat that Great Britain alone has subverted her power in Ireland. If she had not given it up in 1782, and at the same moment given up the supporters of it in the Irish parliament, if Englishmen of great political weight and character had not lent their authority and countenance to Irish faction, and for a course of years endeavoured in every instance in which the opportunity occurred to undermine and weaken the influence of the British crown, the sole remaining bond of union with Ireland, and finally if the British government had not in 1792 and 1793 been fatally misled to lend its most decided countenance and authority to a traitorous and rebellious democracy which had been erected for the sole purpose of subverting the British government in Ireland, we could not now be reduced to the cruel situation of a country threatened with foreign invasion, torn by domestic treason and disaffection and unsupported by a firm and concentrated union of the rank and property of the nation. I have long been of the opinion that a union with the parliament of England can alone save us.[1]

During the union debates Fitzgibbon wrote steadily to Eden but his letters, though distinguished by their sustained pugnacity and partisanship, contain little that is surprising. However, one or two points of interest emerge. Fitzgibbon as well as Cornwallis was troubled by the determination of the Irish peers to prevent post-union additions to their order, for they asserted it would ' be a great degradation to them and their descendants to put on a worse situation than the peers of Scotland '.[2] The failure of the union proposals in 1799 Fitzgibbon attributed to carelessness in preparing the ground :

the subject was not mentioned to any person but to me until sometime after my arrival at London, and that after it became the general topic of private discussion, little or no official communication was held upon it until within a fortnight before the opening of parliament.[3]

By an ironic twist Fitzgibbon was highly incensed by some of the immediate consequences of the union. He was, as might be expected, angered by the discovery that Cornwallis and Castlereagh had agreed to support the catholic claim to emancipation.[4] Then Castlereagh's successor Abbot, the first chief secretary appointed after the union, seemed to Fitzgibbon to be ' the most arrogant, presumptuous and empty prig I have ever met with '. Abbot was an expert in administrative reform which was beginning to be one of the major movements in British political life, and one of his first acts was to send a circular to every government

[1] Fitzgibbon to Eden, 22nd December, 1796.
[2] *Ibid.*, 6th March, 1800.
[3] *Ibid.*, 5th February, 1799.
[4] *Ibid.*, 21st October, 1801.

office in Ireland demanding information as to the duties and emoluments of its staff. Fitzgibbon wrote indignantly to Auckland :

I collect from that great and able statesman Mr. Isaac Corry, whom I saw in Dublin in the last week, that it is Mr. Abbot's intention to lay the returns which shall be made to this inquisition on the table of the House of Commons in the next session of parliament and to have them referred to a committee, I suppose to furnish Mr. Abbot with materials for one or two additional volumes of his financial reports. The observation made to me by his brother statesman was that this proceeding was so very obvious to the opposition that Mr. Abbot thought it wise to take the merit of it to himself. This proceeding will I think complete the system of good faith which has been kept with the friends and supporters of the union in Ireland. I sent a copy of Mr. Abbot's headings to Lord Pelham who will I doubt not show it to you or Hobart if you wish to see it. But it is extremely necessary that both of them should consider what a source of Irish cabal and Irish faction in the House of Commons and elsewhere, and of clamour in every part of the kingdom, Mr. Abbot has been so good to open.

Fitzgibbon was also annoyed by the new chief secretary withdrawing from Sir James Duff, who commanded at Limerick near the chancellor's country seat, ' a discretionary power to execute the sentences of military tribunals ' though it was well known that this power had been granted at Fitzgibbon's request.[1] Fitzgibbon was perhaps on stronger ground when he complained about the behaviour of the viceroy and chief secretary over a reprieve and legal appointments.

'Sir Henry Hayes and Murphy', Fitzgibbon wrote, 'were indicted and tried on the same statute, each with carrying off a woman by force with intent to marry her. Murphy succeeded in ravishing his lady. Sir Henry Hayes attempted to ravish his lady but did not succeed because the cock would not fight, and after standing out all legal process for five years and bidding defiance to two proclamations offering a reward of five hundred pounds for apprehending him, he was at last brought to trial, found guilty and respited by Mr. Day upon a silly doubt in his mind on a point of law. Poor Murphy has been hanged and Sir Henry Hayes has been pardoned. Another poor wretch of the name of Lupton was hanged almost at the same time upon the same statute. His crime was assisting a friend in carrying off a woman whom he wished to marry. And certainly if ever any crime deserved capital punishment in a civilised country Mr. Murphy's, Sir Henry's and Mr. Lupton's did merit it. But it will be difficult to persuade the lower orders of the people that equal justice has been administered to rich and poor.'

Fitzgibbon did not disguise his feelings. So the viceroy sent him the correspondence upon Sir Henry Hayes' pardon, ' and

[1] Fitzgibbon to Eden, 14th January, 1797.

I took the liberty to state to His Excellency that the style of his secretary was much too dictatorial '.[1]

As regards legal appointments Hardwicke, the lord lieutenant, began by asking Fitzgibbon to recommend a suitable person in the event of a vacancy on the bench.

In a short time I received a letter from him [Hardwicke] to desire that I would return to him three persons for his scrutiny and selection or rather for the scrutiny and selection of Mr. Abbot. Feeling that His Excellency meant to give me precisely that degree of credit that is extended to a sheriff going out of office, I did in very peremptory terms refuse to make the return desired of me as degrading to the situation which I hold. I told him that if I were called upon by him to recommend a judge, I would not submit to an appeal from that recommendation or to a scrutiny of it by any man, but that if His Excellency would name any person to me whom he wished to recommend to His Majesty for promotion to the Bench, I would give him the best information I could of his qualifications. . . . I do believe that Lord Hardwicke feels I am not in the best possible humour with him. He wrote a civil letter to me to desire that I might call on him at the Castle on Saturday last that he might ask my opinion of the expediency of sending down a special commission for the trial of some rebels in the counties of Wicklow and Kildare. I plainly perceived by the embarrassment of his manner that he wished me to open the subject of his civilities to me. If he had known me he might have been assured I never would stoop to a complaint to him upon that subject. But from Mr. Addington I shall certainly in due time require a full explanation upon it.[2]

The viceroy's response to Fitzgibbon's criticism of his behaviour was simply to make two legal appointments without consulting him. It is unfortunate that Fitzgibbon, who had been struggling for some years with bad health, died before he could appeal to the prime minister. For the clash between him and Abbot was more than a mere personal squabble. To some extent at least they represented fundamentally different approaches to politics. Fitzgibbon was concerned with saving the state in a time of emergency, Abbot was intensely interested in administrative organisation. Fitzgibbon seems to have had much the stronger personality ; Abbot was importing into Ireland the urge for rational efficiency which was to become such an important force in British public life. His quarrel with the Irish executive accentuated Fitzgibbon's political pessimism and at the end of 1801 he was again emphasising the depressing factors in the Irish situation.

[1] Fitzgibbon to Eden, 19th September, 1801.
[2] *Ibid.*, 17th November, 1801.

Will the Ministers of the empire ever condescend seriously to look to the situation of this country and to adopt a rational system of government of it? What with the presumption and folly of Lord Castlereagh and his colleagues immediately after the union, the unaccountable insanity of Mr. Pitt and his colleagues in subscribing to it, and the intolerable insolence, folly and arrogance of Mr. Abbot, which he boasts Mr. Addington is pledged to him to countenance and support, there is no other feeling in any class or description of man in Ireland but disgust at and execration of the union. The mass of the people are disaffected and ripe for revolt. The Popish clergy cherish this disposition with all their influence. Every provincial school is a seminary of rebellion, and no Papist dares on peril of excommunication to send his child to any but a Popish schoolmaster to be educated. The best that can be expected from that class of man who have hitherto stood forward to save this country and to preserve it to the British crown, is a cold apathy. But many of them speak openly the language of Irish rebellion and declaim against British connection. I feel almost ashamed to lift my head in society, and seriously think that the supporters of the union may be charged with crime and perfidy to every loyal gentleman of this country. From what I have seen of Mr. Addington I am free to say that I expect little from his energies. But however unwilling I may be to act with hostility to him, I will never submit to be gibbeted in this country by the insolence or impotence of any little coxcomb whom he may send over here to goad and degrade every gentleman of Ireland. I have heard that the Grenville family are all decidedly hostile to Mr. Addington and that they are determined to condemn the peace. It is also supposed that Lord Spencer is supposed to hold the same language and that Mr. Windham will with his usual discretion assert the necessity of a war of extermination. However interesting the scene may be I am not at all sorry I shall not be an actor in it. The North is, I feel, so completely disgusted with the whole that has passed in Ireland since the year 1792 and so utterly disappointed in any expectation of the consequences which ought naturally to have resulted from the union, that if I could reconcile it to my love of my children and the duty which I owe to them, I never would enter an house of parliament for the remnant of my life.[1]

One note running through Fitzgibbon's letters to Auckland fuses them into unity—the writer's conviction that his was the only sound policy and that it was urgently necessary that it should prevail. But Fitzgibbon had many other interests which are occasionally referred to in these letters. He retails with gusto social gossip;[2] he was fond of his country estate, and showed

[1] Fitzgibbon to Eden, 22nd October, 1801. Since Fitzgibbon in the same letter mentions his intention of coming to England in March (i.e. fairly early in the parliamentary session), his implied intention to renounce political life need not be taken too seriously.

[2] For instance, as an appendix to an attack on the attitude of the Ponsonby connection to the Commercial propositions and the speakership, he tells how Mr. Ogilvie, who after being a drummer in a Scottish regiment and a writing master, had entered the household of the first Duke of Leinster as a tutor, had

considerable vigour in tracking down the murderers of his steward, who was killed after he had detected the men concerned in coercing by whipping a farmer into selling milk at a fixed price.[1] He was a keen lawyer, worried when he realised that his attendance at the House of Lords of the United Kingdom would compel him to 'be for a portion of the year a judicial absentee from Ireland, for he had been strongly impressed by ' the good effects which have resulted from the steady administration of justice in the court of chancery ', since his appointment. Presumably his destructive analysis of a proposal of Auckland's was based on his judicial experience. In 1800 Auckland, alarmed by the increasing divorce rate, introduced a bill forbidding the intermarriage of the guilty parties in a divorce suit. Though it passed the Lords it was rejected in the Commons. Commenting on the defeat of his friend's bill Fitzgibbon remarked

> My opinion is unaltered that you are to look for the root of the evil which must alarm every sober man to the dissolute habits of the higher ranks of men, who consider marriage as a mere traffic for private or political purposes and that they are therefore fully at liberty to treat their wives with the most contemptuous neglect at best. I am quite satisfied that it is the nature of womankind to behave well to every husband who treats his wife as becomes him and therefore I shall always feel reluctant in agreeing to any law which is to bear hardest upon the party who in most instances has the just and most cruel injuries to complain of. And as to a law which is to prevent the marriage of an adultress with her seducer; I am perfectly satisfied that it will have the opposite effect to that which is hoped from it. I am perfectly certain that on the outset of an intrigue the lady's great argument to herself is that she will escape detection, and that in the early stages of an amour the prospect of marriage with the lover never occurs to either party. Nay, more, I am of opinion that nothing would stagger the tribe of cuckold-makers so much as the probable prospect of an intrigue ending with the marriage of the parties. So much so that I do really believe if they were compelled to marry on detection, that this class of profligates would in most instances be deterred from the pursuit of any married woman. If I were to embark in such a pursuit, I do very truly assure you that I should consider such a penalty much more seriously than I could consider any other that could be inflicted upon us. The prevention of marriage surely will never in any instance be considered by the gentleman as a misfortune.[2]

Less than a year later Fitzgibbon had an opportunity of supporting these views at Westminster when an attempt to add

had several illegitimate children by the duchess (Fitzgibbon to Eden, 22nd August, 1785).

[1] Fitzgibbon to Eden, 14 January, 15 May, 1800.

[2] Fitzgibbon to Eden, 21st September, 1800.

to a divorce bill a clause forbidding the intermarriage of the guilty parties was defeated after a couple of vigorous debates in the Lords. Fitzgibbon expounded his pionions with defiant vehemence declaring that he would not ' give much authority to the canons of the church in contradistinction to the law of England ; on that and on that only he rested, and that law and the practice under it, in respect to divorces plainly showed that marriage was regarded as a civil contract merely and nothing more '.[1]

On another occasion he intervened vigorously in ecclesiastical affairs on an important if less impressive level. When William Newcome, Archbishop of Armagh, died in 1800 he emphasised that

> it is of the last importance to us to have a *meek* and *firm* man, who will exert himself with persevering moderation to correct the abuses which prevail in our church placed at the head of it. He ought not to be a political or a rapacious man. Either vice will induce him to acts of a very serious and extensive public mischief.

Two candidates were being mentioned, O'Beirne of Meath ' whose claims were too ridiculous to be attended to ' (and who incidentally was whig) and Cleaver of Ferns, ' the most intemperate and overbearing priest I have ever met with ' ; who ' in managing the estate of his see, avows that he acts solely upon a table of calculation which he bought for half a crown '. When Cleaver had levied an exorbitant fine upon the governors of Swift's Hospital, Fitzgibbon had told him that ' he might with safe conscience lay down a different rule for the hospital from that which he imposed on his other tenants ', but Cleaver had rejected the request ' in terms of very brutal violence and indignation '.[2] In this instance Fitzgibbon's views prevailed, for neither O'Beirne nor Cleaver obtained the primacy. Instead William Stuart, the subject of a remarkably short and tart notice in the *D.N.B.*, was appointed archbishop.

[1] Fitzgibbon to Eden, 17th June, 1800 ; *Parl. Deb.*, xxxv, 276-326, 1248-1264.
[2] *Ibid.*, 14th January, 1800.

THE OLD TESTAMENT IN THE TEACHING OF JESUS [1]

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WE cannot remind ourselves too often that the Bible of the Apostolic Church was the Old Testament; and that it was to the Old Testament that the first Christians turned for guidance on all matters of faith and conduct. I have discussed elsewhere the way in which Jewish thought had sought to codify and systematize the commandments and promises of God to his people in the Law and the Apocalypses, and the way in which the early expositors and defenders of Christianity turned to this body of teaching to find the historical and theological context of their own distinctive proclamation.[2] There are more ways than one of doing this. It is possible to link up isolated texts in the Old Testament with events in the story of Jesus or the early Church, as when St. Matthew makes Psalm lxxxviii. 2 a prediction of the parabolic teaching of Christ, or St. Peter, according to Acts ii. 17-21, finds in Joel ii. 28-32 a prophecy of the events of Pentecost. In some cases the connection between the supposed prediction and its fulfilment is of the flimsiest character; and when we get into the field of allegorical interpretation and typology, it often seems as if the only limits to what can be done are set by the resource and fertility of invention of the expositor.

However, the fact that many of the allegorical and typological interpretations of Old Testament texts seem to be far-fetched and even fantastic should not blind us to the fact that there is a legitimate appeal to the earlier revelation. The matter can be put in this way that the whole corpus of the Hebrew scriptures, with its additional apparatus of apocalypse and legal tradition is

[1] A lecture delivered in the John Rylands Library on Wednesday, the 14th of November, 1951.

[2] See my article 'Some Reflections on Apocalyptic' in *Aux Sources de la Tradition Chrétienne* (1950), 139-45; and 'The Argument from Prophecy', in *J.T.S.*, 46 (1945), 129-36.

regarded as the revelation of the divine purpose. Rightly understood, it illuminates history; and history rightly understood, refers back to it. Since the revelation is from God, who knows the end from the beginning, and in whom there is no variableness, we may expect that on all vital points a genuine continuity and consistency will be discernible throughout the process of revelation and the course of history, that what is fulfilled in the life of Christ is foreordained by God from the foundation of the world. In Judaism and Christianity alike this principle that the end must be foreshadowed in the beginning is an active force. In the Jewish apocalypses the course of history down to its consummation is made known to the patriarchs and prophets. In the Rabbinical tradition the knowledge and even the actual observance of Rabbinic niceties is carried back to the earliest times. Thus the book of Esther is given to Moses on Sinai; and the late rules governing the *'Erub* are known to and kept by Abraham.[1] Conversely, greater antiquity carries with it greater authority. On the question of marriage and divorce Jesus appeals from the rules given in Deuteronomy to the principles laid down at the creation of the world; and St. Paul goes behind the Law given on Sinai to the promise made to Abraham.

Since correct interpretation of the divine revelation in Scripture is no less important than the right discerning of the signs of the times, proper rules of interpretation have to be laid down; and we find that this was done by the Rabbis, the earliest set of hermeneutical principles being attributed to Hillel about the end of the first century B.C.[2]

My purpose in this paper is to examine the way in which appeal is made to the Old Testament in the teaching of Jesus. Among the questions to be discussed are the following. What parts of the Old Testament are quoted? What form of the text is employed in the citations? What principles of interpretation are applied to the texts?

[1] *Gen. R.*, 49; *b. Yoma* 28*b*.

[2] Jewish rules and methods of interpretation: Moore, *Judaism*, i. 247-50, iii. 72 f.; J. Bonsirven, *Exégèse Rabbinique et Exégèse Paulinienne*; W. Bacher, *Die Älteste Terminologie der Jüdischen Schriftauslegung*; H. L. Strack, *Introduction to the Talmud and Midrash* (E. T. Philadelphia, 1945), 93-98, 296 f.

In examining the quotations we shall look first at those offered by Mark; next at those in Matthew and Luke, which may reasonably be assigned to the document Q; and then at those in passages peculiar to Matthew and Luke. These last I shall call M and L passages without attempting to prejudge the question whether the symbols M and L stand for single documents, collections of sources, oral traditions, or what not. As a working basis for the selection of quotations I take those passages which are printed in uncial type in the edition of Westcott and Hort. There are no doubt many allusions to the Old Testament and echoes of its wording which are not marked by special type in Westcott and Hort; but on the whole they do mark about all that has any right to be called direct quotation. If they err at all, it is on the side of admitting too much rather than too little.

We begin with Mark.

In Mark there are thirty-eight quotations or reminiscences of the Old Testament among the words of Jesus. Of these twelve may be assigned to the Law, nineteen to the Prophets and twelve to the Hagiographa—or forty-three in all. The discrepancy is due to the fact that in some cases there are two possible sources for the quotation or reminiscence.

It is sometimes maintained that the Old Testament quotations in Mark agree with the LXX. So far as quotations in the words of Jesus are concerned, the statement is incorrect. There are, of course, cases where the Masoretic text, the Targum, the LXX, and the text of Mark all say exactly the same thing; but these are not the cases from which we can learn anything. For our purposes the interesting and instructive cases are those in which the Masoretic text, the LXX, and the Targum do *not* agree, and the quotation in Mark takes sides. These form a considerable group. Another group, only slightly less interesting, contains the Markan quotations which go their own way independently of Masoretic text, Targum, and LXX. I do not intend to spend any time on the cases where Mark agrees with all the leading authorities for the Old Testament text, but to concentrate on the cases where he disagrees with some or all of them. There are twenty such cases. In ten of them Mark definitely takes sides in a disagreement of the Masoretic text, Targum, and LXX; in eight

he goes his own way. Five (Mk. vii. 6 f.; x. 7; xii. 29 f.; xiii. 22; xv. 34) present special textual problems for enquiry.

(*a*) Mark sides with one of the witnesses to the O.T. text:— iv. 12 (Is. vi. 10)[1] καὶ ἀφεθῇ αὐτοῖς = Tg. ישתביק להון against M.T. וְרָפָא לוֹ and LXX καὶ ἰάσομαι αὐτούς.

iv. 29 (Joel iii. 13; LXX iv. 13) παρέστηκεν ὁ θερισμός. παρέστηκεν = LXX and Tg. מטא against M.T. בָּשַׁל .

vii. 7 (Is. xxix. 13) Mk. has μάτην with LXX against M.T. and Tg.

vii. 10 (Ex. xxi. 17; LXX 16) τελευτάτω = M.T. and Tgg. against LXX τελευτήσει.

x. 8 (Gen. ii. 24) Mk. has οἱ δύο with LXX and Tg. Jon. (תרויהון) against M.T. and Tg. Onk.[2]

x. 19 (Ex. xx. 13-16; Deut. v. 17-20). In the order of the commandments Mk. agrees with M.T. and Tgg. against LXX. It may be added that Mk. uses μή with the subjunctive against LXX οὐ with the indicative.

xiii. 8 (Is. xix. 2) βασιλεία ἐπὶ βασιλείαν with M.T. and Tg. against LXX νομὸς επὶ νομόν.

xiii. 22 (Deut. xiii. 2) ψευδοπροφῆται. Mk. is explicit that the prophets are false. In this Mk. has the support of Tg. Jon. against M.T., LXX, and Tg. Onk.

xiv. 62 (Dan. vii. 13) μετὰ τῶν νεφελῶν = M.T. and Theodotion against LXX (επὶ τ. νεφ.).

xv. 34 (Ps. xxii (xxi) 1) M.T. and Tg. against LXX, which has πρόσχες μοι after the second mention of the name of God.

Analysis of these data reveals that Mark agrees with M.T. five times, with the Targum eight times, and with the LXX three times. Only once (Is. vii. 7) does Mark agree with LXX against the other witnesses to the O.T. text. In the two cases where the targums of Onkelos and ps. Jonathan take opposite sides Mark agrees with ps. Jonathan; and in one of the two (Gen. ii. 24) it is arguable that Mark preserves the true text of the O.T. The important point is that here we have ten cases in which the

[1] See my *Teaching of Jesus*, 75-80.

[2] It is possible that in this case Mk. preserves the true Hebrew text. 'The two' is given in Gen. ii. 24 not only by LXX and Tg. Jon. but also by the Syriac and Vulgate. St. Paul, who quotes the text in 1 Cor. vi. 16, also has οἱ δύο.

agreement of Mark with LXX would be really significant, and that in seven out of the ten the Markan quotation sides with the Hebrew or Aramaic against the Greek version.

I turn now to the cases where the quotation in Mark goes its own way against all the witnesses to the O.T. text.

Mk. viii. 18, 'Having eyes do you not see, and having ears do you not hear'. This seems to be the free use of a current expression without direct quotation. Similar expressions occur in Jer. v. 21 and Ezek. xii. 2 as well as in Greek literature (e.g. Herakleitos fr. 34).

Mk. ix. 48 (Is. lxvi. 24) is a free reproduction of a vivid picture. It does not agree exactly with any form of the O.T. text.

Mk. xii. 36 (Ps. cx (cix). 1). Mk. has *ὑποκάτω* [1] against all witnesses to the O.T. text and the quotation in Heb. i. 13; x. 13, *ὑποπόδιον*. St. Paul (1 Cor. xv. 25) has *ὑπό* . It seems clear that Mark and Paul are quoting freely.

Mk. xiii. 24-27 (Is. xiii. 10; xxxiv. 4; Dan. vii. 13; Zech. ii. 10; Deut. xxx. 4). In these cases from the 'Little Apocalypse', we have conventional apocalyptic imagery in terms which suggest free reminiscence rather than direct quotation. It is worth noticing that here occurs the one text that is common to this and the preceding group of quotations. Mk. xiii. 26, quoting Dan. vii. 13, has *ἐν νεφέλαις*,[2] whereas in the hearing before the High Priest (Mk. xiv. 62) Mk. agrees with M.T. (עם) and Theodotion (*μετά*) in having *μετὰ τῶν νεφέλων*. The difference is worth noting in view of the opinion that the Little Apocalypse may once have had an independent existence.

[1] The witnesses to the Markan text are divided. *ὑποκάτω* is supported by BDW *Ψ* 28 Syr. sin. Sah. Boh. Geo. and should doubtless be preferred. The *ὑποπόδιον* of the other witnesses is an obvious correction to agree with the LXX. It is perhaps worth noting that in the Sahidic version of Heb. x. 13, but not i. 13, we have support for a reading *ὑποκάτω*; and that *ὑποκάτω* is implied by the Sahidic version of the Psalm. This should probably be regarded as due to the influence of the N.T. quotations: there is other evidence of N.T. influence on the text of the Sahidic Psalter.

[2] Again the witnesses to the Markan text are divided. *ἐν* is read by the great majority with either *νεφέλαις* or *νεφέλῃ* (many Caesarean witnesses and *k*). Some Old Latin MSS. have *cum nubibus*; and D and Syr. sin. support *ἐπὶ τῶν νεφέλων*. The weight of the evidence seems to be definitely in favour of *ἐν* in Mk. xiii. 26.

Mk. xiv. 18 (Ps. xli (xl). 10) ὁ ἐσθίων μετ' ἐμοῦ. This must be regarded as free reminiscence, if indeed there is any connection at all.

If the eight cases covered above are to be regarded as quotations, they raise the total of Mark's disagreements with the Septuagint from seven out of ten to fifteen out of eighteen.

There remain some cases where the textual problems are of special interest or difficulty. Before looking at these I should mention a fact of some interest and importance for the study of the synoptic problem. This is the strong tendency of Matthew to bring the Old Testament quotations into agreement with the LXX text. I have observed twelve examples of this tendency in the cases so far considered. This fact provides a considerable buttress—if any is needed at this time of day—for the view that Matthew is dependent on Mark. It also suggests a canon for the textual criticism of Mark : that where MSS. of Mark in an Old Testament quotation offer a reading which differs from the LXX and Matthew, that reading should not be rejected without the most careful consideration. I now turn to the cases which present textual problems.

Mk. x. 7 already mentioned above. The M.T. (Gen. ii. 24) reads ' and they shall become one flesh '. It has the support of Tg. Onk. and *Jubilees* iii. 7. On the other hand, the reading ' they two ' is attested by LXX, Tgg. Jon. and Sam. as well as the Peshitta and the Vulgate. With these witnesses go Philo,[1] Mark, and Eph. v. 31. It is probable that the Hebrew should be emended accordingly.

Mk. vii. 6 f. (Is. xxix. 13). This quotation presents the most difficult and complicated textual problems ; and I have no complete solution to suggest. One point, however, seems worthy of notice. In Mark we have the variant ἀγαπᾷ for τιμᾷ. This variant is offered by DW and supported by Clement of Alexandria directly (ἀγαπῶν) or indirectly (φιλοῦσι) in three of the six places[2] in which he quotes or refers to the text. Further

[1] H. E. Ryle, *Philo and Holy Scripture*, 14 f.

[2] In Stählin's edition I. 134 (τιμῶσί με) ; I. 195 (φιλοῦσί με) ; II. 146 (με τιμᾷ) ; II. 262 (τιμᾷ) ; II. 267, 297 (ἀγαπῶν).

support is given by the Old Latin MSS. *a b c* and Tertullian ;[1] and it may well be that ἀγαπᾷ is the true text of Mark, τιμᾷ a correction by Matthew to agree with the LXX, and that the Matthaean revision has worked its way into most of the MSS. of Mark.

Mk. xii. 29 f. (Deut. vi. 4 f.) presents a very complex textual problem, which I am unable to solve.

Mk. xiii. 22 (Deut. xiii. 2) has two points of special interest. First, ψευδοπροφῆται in agreement with Tg. Jon., already mentioned. Second, the variant readings δώσουσιν and ποιήσουσιν. The former is supported by the majority of the uncials, including BN fam[1] 700 and most of the versions ; the latter can claim DΘ fam[13] 28 565 *ad* Geo.[2] δώσουσιν is the text of Matt. and LXX has δῷ. In this case the canon stated above may well apply ; and we should choose the reading in Mark that differs from Matt. and LXX.

Mk. xv. 34 may be a similar case. It has been discussed by Burkitt,[2] C. H. Turner,[3] and Harnack ;[4] and it may be that we should accept ὠνείδισας from D, supported by *c exprobasti*, *i in opprobrium dedisti*, and *k maledixisti*,[5] against all the rest, including LXX and Matt.

So far we have seen that when Mark records our Lord's quotations from the Old Testament they usually agree with the Hebrew or the Targum against the LXX in cases where the witnesses to the O.T. text are divided. Further it appears that in the parallel passages in Matthew there is a definite tendency to redress the balance in favour of the LXX. It remains to consider Luke's treatment of these texts ; and we begin by drawing a large number of blanks. Taking our first group of cases, where Mark

[1] *Adv. Marc.* iv. 17 (ed. Kroymann, p. 477), *populus iste me labiis diligit*. Cf. iii. 6 (Kroymann, p. 384) ; iv. 41 (Kroymann, p. 561) ; v. 11 (Kroymann, p. 613). It is interesting that Clement (II. 267) and Tertullian (iv. 17) both bring the text into relation with Luke vi. 46.

[2] *Jesus Christ, an Historical Outline* (1932), p. 56.

[3] *J.T.S.*, xi. (1910), 19 ; xxix. (1928), 12, accepting ὠνείδισας.

[4] *S.B.A.*, 1901, 261-65, reprinted in *Studien zur Geschichte des NTs u. der alten Kirche*, i. 98-103. Harnack defends ὠνείδισας.

[5] This reading was deciphered by Burkitt (*J.T.S.*, i (1900), 278 f.) and accepted by Hans v. Soden, *Das lat. N.T. in Afrika z. Zt. Cyprians* (1909), 107, 448. It is not recorded in Jülicher-Matzkow, *Itala II Markus-Evangelium* (1940), 153.

sides with one or other of the authorities for the O.T. text, we find that in seven cases Luke either has no parallel to Mark or that he does not give the quotation. The remaining cases are :

Mk. iv. 12 || Lk. viii. 10. Here Luke abbreviates, but in what he retains he is nearer to Mk. than is Matthew.

Mk. x. 19 || Lk. xviii. 20. Luke retains the Markan construction μή with subjunctive against Matt. and LXX, οὐ with indicative. On the other hand Mark's μὴ ἀποστερήσῃς is abandoned.

Mk. xiii. 8 || Lk. xxi. 10. Luke supports Mark (as does Matt.) against LXX.

Mk. xiii. 26 || Lk. xxi. 27 and Mk. xiv. 62 || Lk xxii. 69. In both passages Jesus is quoting from Dan. vii. 13. In the former Luke supports Mark's use of the preposition ἐν against LXX and Matt. ἐπί. In the second quotation before the High Priest Mark has the preposition μετά in agreement with M.T. and Theodotion ; Matthew has ἐπί in agreement with LXX ; and Luke omits the phrase altogether. Here I cannot but think that Luke's motive is apologetic. His treatment of the quotation as a whole has the effect of turning what looks like the announcement of an imminent revolution in human affairs into the assertion of the coming exaltation of Christ to the right hand of God. As Luke reports it, the saying is of immense theological import ; but it is freed from all political implications that might rouse suspicion in the minds of responsible Roman authorities, whether at the time of the trial or at the time when the third Gospel was published.

A case where Luke sides with LXX against Mark and Matt. is Mk. xii. 36 || Lk. xx. 42, quoting Ps. cx. 1. Here Luke has ὑποπόδιον with M.T., Tg., and LXX against the ὑποκάτω of Mark and Matt.

It would be rash to draw any dogmatic conclusions from so slender a collection of data. All that can safely be said is that such evidence as there is suggests that Luke is less inclined than Matthew to adapt the quotations in Mk. to the text of the LXX.

With that conclusion in mind we may turn to the O.T. quotations in Q. They are not numerous, about a dozen in all, and most of them belong to the category of reminiscence rather than formal quotation. As an example we take the saying Luke vii. 22 || Matt. xi. 5 in reply to John the Baptist's question from prison :

'The blind receive their sight again; the lame walk; lepers are cleansed, and the deaf hear, the dead are raised, the poor are evangelised'. This saying has echoes of several prophetic passages (Is. xxix. 18 f.; xxxv. 5 f.; lxi. 1) without being a reproduction of any. We have here in fact a verbal picture of the Messianic Age, using terms and images drawn from the prophetic treasury without pinning itself down to any particular prophetic formulation. Similarly Lk. vii. 27 || Matt. xi. 10 is reminiscent not only of Mal. iii. 1 but also of Ex. xxiii. 20; while Lk. xiii. 29 || Matt. viii. 11 echoes both Mal. i. 11 and Is. lix. 19; and Lk. xiii. 35 || Matt. xxiii. 38 echoes Jer. xxii. 5 and xii. 7. The presence of so many composite quotations in this very ancient stratum of tradition may be significant.

In some other cases there are verbal echoes of single O.T. texts: e.g. Lk. x. 19 (Ps. xci (xc). 13); Lk. xii. 53 || Matt. x. 35 (Mic. vii. 6); Lk. xvii. 31 || Matt. xxiv. 18 (Gen. xix. 26); Lk. x. 15 || Matt. xi. 23 (Is. xiv. 13-15).

In two cases we have agreement of Matthew and Luke with one another and with both M.T. and LXX. These are Lk. xiii. 35 || Matt. xxiii. 38 (Ps. cxviii (cxvii). 26) and Lk. xvii, 27 || Matt. xxiv. 38 (Gen. vii. 7).

Two cases of some interest remain. The first comes from the eschatological poem in Luke xvii. In *v.* 29 dealing with the destruction of Sodom we read

ἔβρεξεν πῦρ καὶ θεῖον ἀπ' οὐρανοῦ.

In Gen. xix. 24 the Hebrew, both Targums, and LXX all have the order θεῖον καὶ πῦρ. A considerable number of the MSS. of Lk. have the order accommodated to the LXX; and fam[13] agrees with LXX in having ἐκ in place of ἀπό. The Old Latin omits the brimstone altogether; and in this it has the support of Syr. cur. and the approval of C. H. Turner.[1] Whatever may be the true text of Luke here it seems fairly clear that it was not brought by the Evangelist into conformity with the LXX.

The second case, and our last from Q, is Lk. xiii. 27 || Matt. vii. 23, where the Jewish hearers of Jesus are being threatened with exclusion from the good time coming. The householder

[1] *J.T.S.*, xi (1910), 16.

will say to them in the words of Ps. vi. 9, ' Depart from me all workers of iniquity '. Here the LXX text reads :

ἀπόστητε ἀπ' ἐμοῦ, πάντες οἱ ἐργαζόμενοι τὴν ἀνομίαν.

Luke : ,, ,, ,, ,, ἐργάται ἀδικίας
Matt. : ἀποχωρεῖτε ,, ,, ,, οἱ ἐργαζόμενοι τὴν ἀνομίαν.

Here Luke agrees with M.T., Tg., and LXX in having πάντες, but it is not clear that the text as he gives it has exactly the same meaning as in the Psalm. There the Hebrew means ' Depart from me all you who work iniquity '; and this is fairly rendered by the LXX. But Luke's text has some ambiguity. If we put a comma after ἐμοῦ (with Westcott and Hort), it will most naturally be taken to mean, ' Depart from me ; you are all workers of iniquity ': and it is explicitly so taken in the Old Syriac and the Palestinian Syriac : ' Depart ye from me, for ye are all . . .'. On the other hand, if, with von Soden, we put the comma after πάντες, the rendering will be, ' Depart from me all of you. You workers of iniquity ! '

Turning now to the sayings of Jesus which are peculiar to Matthew and Luke, we find that of the twenty-eight references in Matthew at least eleven must be regarded as no more than reminiscences of the Old Testament. Of the remainder, seven are cases where the O.T. textual witnesses agree among themselves and Matthew agrees with them. In two cases (Matt. xviii, 16 ; xxiv. 30) the O.T. witnesses agree among themselves and Matthew goes his own way. There are four interesting cases, where the O.T. witnesses disagree and Matthew takes sides.

Matt. ix. 13 ; xii. 7 ἔλεος θέλω καὶ οὐ θυσίαν. This is a word for word rendering of the Hebrew of Hos. vi. 6. The Targum gives the true sense, which is ' I prefer mercy to sacrifice '. The LXX witnesses are divided between καὶ οὐ and ἤ. The most recent editor [1] adopts καὶ οὐ in his text. If he is right, Matt. agrees with M.T. and LXX against Tg. ; but the possibility cannot be excluded that ἤ is the true reading in the LXX.

Matt. xi. 29, ' You shall find rest (ἀνάπαυσιν) for your souls '. So also M.T. and Tg. in Jer. vi. 16. But LXX has ' purification ' (ἁγνισμόν) in place of ' rest '.

[1] *Septuaginta XIII, Duodecim Prophetae*, ed. Joseph Ziegler (1943).

Matt. xiii. 41. In the explanation of the parable of the wheat and tares it is said that 'the angels . . . will gather together out of his kingdom *πάντα τὰ σκάνδαλα καὶ τοὺς ποιοῦντας τὴν ἀνομίαν*'. This appears to be an echo of Zeph. i. 3. There the Hebrew text is very difficult, if not corrupt. The LXX (ed. Ziegler (1943) and Rahlfs (1935)) appears to have omitted the clause. The other Greek versions offer renderings different from Matt. The Targum follows a line of its own. What we have in Matt., if it derives from Zeph. i. 3, is best explained as an independent rendering of the Hebrew.

Matt. xxi. 16 agrees with the LXX of Ps. viii. 3 against M.T. and Tg.

Of the ten cases in Luke six cannot be rated as more than reminiscences. One is a case where all the O.T. witnesses and Luke agree. Of the three remaining cases two show agreement with the LXX against M.T. and in one Luke agrees with M.T. against the LXX. It is worth noting that this last is Lk. xxii. 37 *καὶ μετὰ ἀνόμων ἐλογίσθη* (LXX: *ἐν τοῖς ἀνόμοις*), the one unambiguous quotation from the Servant Songs in the words of Jesus. It is significant that it reflects the Hebrew rather than the LXX.

So far we have been dealing with O.T. quotations and reminiscences embodied in the words of Jesus. I think it a fair statement of the case at the end of this part of the enquiry to say that while there is a definite tendency for O.T. quotations to be conformed to the LXX, it does not seem to operate to any great extent in the early period. In some cases it would seem that the accommodation to the LXX is the work of later scribes or redactors rather than of the Evangelists. When we get back to the Evangelists themselves, Mark, so far as one can judge, is freest from the tendency to conform O.T. quotations to the LXX text. Matthew and Luke show movement in that direction; but they too preserve readings which side with the Hebrew or the Targum against the LXX. Does this hold of O.T. quotations in the Synoptic Gospels outside the actual teaching of Jesus? Let us examine some of these.

Particular interest attaches to a group of texts in Matthew, all introduced by a special formula indicating that some incident in

the narrative was the fulfilment of prophecy. They are Matt. i. 23 (Is. vii. 4 ; cf. viii. 8) ; ii. 6 (Mic. v. 1) ; ii. 15 (Hos. xi. 1) ; ii. 18 (Jer. xxxi. 15) ; ii. 23 (no known O.T. text) ; iv. 15 f. (Is. viii. 23 ; ix. 1) ; viii. 17 (Is. liii. 4) ; xii. 18-20 [1] (Is. xlii. 1-3) ; xiii. 35 (Ps. lxxviii. 2) ; xxi. 5 (Is. lxii. 11 and Zech ix. 9 conflated); xxvii. 9 f. (Zech. xi. 12 f., cf. Jer. xxxii. 6-15 ; xviii. 2 f.). These texts have been fully discussed by Allen [2] and Bacon ;[3] and it is unnecessary to go over the ground again. Allen's conclusion seems well founded that ' there is a good deal of agreement with the Hebrew against the LXX ', and that ' it is very unlikely that the quotations are due to the editor '. The most probable hypothesis would seem to be that we have here to do with a collection of proof-texts (*Testimonia*), which may well have originated in Palestinian Jewish Christian circles and have been drawn upon by the Evangelist.

To conclude, though not to complete, the discussion of the Synoptic quotations outside the teaching of Jesus, I take a few specially important examples. These are : the voice at the baptism, the texts quoted in the narrative of the temptation, and the cry of dereliction. Though not given as teaching in the strict sense, it should be noted that, unless the stories of the baptism and temptations are legendary—which I do not for a moment believe—they must ultimately go back to Jesus himself ; so that the gap between these stories and the teaching properly so called is very much narrower than appears at first sight.

The voice at the baptism, as recorded in Mk i. 11, says σὺ εἶ ὁ υἱός μου ὁ ἀγαπητός, ἐν σοὶ εὐδόκησα. There are two O.T. texts to be compared. Ps. ii. 7 in the LXX has υἱός μου εἶσύ, ἐγὼ σήμερον γεγέννηκά σε. Is. xlii. 1 reads Ἰσραηλ ὁ ἐκλεκτός μου προσεδέξατο αὐτὸν ἡ ψυχή μου. The first half of the saying differs from M.T. and LXX chiefly by the addition of ὁ ἀγαπητός. The origin of this may well be, as Plooij suggested,[4] in the

[1] Verse 21 is probably an interpolation. See A. Schlatter, *Der Evangelist Matthäus*, 401 f. ; J. Jeremias, *Z.N.W.*, 34 (1935), 119 f. ; G. D. Kilpatrick, *The Origins of the Gospel according to St. Matthew*, 94. Cf. Zahn, *Evangelium des Matthäus*, 451, n. 68.

[2] *St. Matthew* (*I.C.C.*), lxi. f. [3] *Studies in Matthew*, 470-77.

[4] *Amicitiae Corolla*, 248 f. On ' The Beloved ' as a Messianic title see J. A. Robinson, *St. Paul's Epistle to the Ephesians*, 229-33.

Targum on Ps. ii. 7, where ' Thou art my son ' is paraphrased, ' Beloved as a son to his father art thou to me '. In that case we should be in touch with traditional Palestinian Bible interpretation. In this connection it is not without interest that the Midrash on Psalms [1] illustrates the text ' Thou art my son ' from the Law (Ex. iv. 22), the Prophets (Is. lii. 13 and xlii. 1), and the Hagiographa (Ps. cx. 1). The collocation of Is. xlii. 1 with Ps. ii. 7 should not be overlooked. The Targum on Is. xlii. 1 runs :[2] ' Behold my servant, I will bring him near ; my chosen in whom my Memra is (i.e. I am) well pleased '. For a closer verbal parallel to *ἐν σοὶ εὐδόκησα* than is afforded by the LXX, we may turn to the other Greek versions. The rendering *ὁ ἐκλεκτός μου ὃν εὐδόκησεν ἡ ψυχή μου* is attributed to Symmachus and Theodotion.[3] Finally, it has been shown by Billerbeck [4] that the interpretation of Ps. ii. as a prophecy of the Davidic Messiah is the oldest and most widespread of all in Jewish circles.

But the question whether this combination of Ps. ii. 7 and Is. xlii. 1 is the authentic text of the voice at the Baptism is complicated by the well known fact that in the parallel passage in Luke (iii.22) Western authorities for the Lukan text give *υἱός μου εἶ σύ, ἐγὼ σήμερον γεγέννηκά σε*, that is, the LXX text of Ps. ii. 7 pure and simple without *ὁ ἀγαπητός* or *ἐν σοὶ εὐδόκησα* [5]. Good scholars have accepted this as the true text of Luke, but doubts

[1] Ed. Buber (1891), 14 *b*.

[2] Ed. Stenning (1949), 140 f.

[3] *Septuaginta XIV, Isaias*, ed. J. Ziegler (1939), 276.

[4] *Kommentar*, iii. 675 ff.

[5] The witnesses for the western reading in Lk. iii. 22 are D *abc ff*[2] *lr* Justin (*Dial.* §§ 88, 103) ; Clem. Al. (*Paed.* I 6, § 25, ed. Stählin, i. 105. 6 f.) ; Methodius (*Symposium*, viii. 9, quoted by Otto *ad* Justin, *Dial.* § 88, n. 23) ; *Didascalia*, ix. (trans. R. H. Connolly, p. 93) ; *Const. Ap.*, ii. 32 (ed. Funk, p. 115) ; *Acta Petri et Pauli*, 29 ; Lactantius (*Inst.*, iv. 15) ; Hilary ; Faustus ; Juvencus ; Tyconius. Augustine is also aware of the reading. The testimony of Origen is not clear (see W. Bauer, *Das Leben Jesu im Zeitalter der ntlichen Apokryphen*, 122). The Gospel of the Ebionites (Epiphanius, *Haer.*, xxx. 13) gives a conflate text : *σύ μου εἶ ὁ υἱὸς ὁ ἀγαπητός, ἐν σοὶ εὐδόκησα. Καὶ πάλιν· ἐγὼ σήμερον γεγέννηκά σε.* (On this see A. Resch, *Agrapha*[2] (1906), 222 ff. ; H. J. Schoeps, *Theologie und Geschichte des Judenchristentums*, 75 f. For discussion of the textual problem in Lk iii. 22 see F. Hauck (*Theol. Handkomm. ad loc.*) ; E. Klostermann (*H.B.N.T., ad loc.*) ; B. H. Streeter, *The Four Gospels*, 143, 188, 276 ; F. C. Burkitt, *J.T.S.*, xxvi. (1925), 190 ff. ; W. Bauer, *op cit.*, 120-24 ; E. Norden, *Die Geburt des Kindes*, 92.

remain. In Acts xiii. 33 Ps. ii. 7 is used as a proof text for the Resurrection, not for the inauguration of the Messianic Ministry. It seems to me unlikely that Luke would have altered the Markan text, which I think he had before him in his account of the Baptism. Further Ropes [1] has pointed out that it is a characteristic foible of the Western text to complete Old Testament quotations. This may be what has happened here. And even if the D text were the true text of Luke, and so presumably of Q (which I do not believe), I think that we should still have to prefer the Markan account of what Jesus heard at the Baptism, just because it has these direct contacts with Palestinian interpretation of the Bible, while the Western text of Luke is pure LXX.

I turn now to the texts used in the Temptation narrative. Deut. viii. 3 is quoted in our Lord's reply to the first temptation (Matt. iv. 4 || Lk. iv. 4). Here there is close agreement of the Gospels with the Hebrew and the LXX. The chief difference is that Luke gives only the first half of the verse, while Matthew completes the quotation. Bussmann [2] defends Luke's shorter text, ' Man shall not live by bread alone '. It seems to me that he is right and that we have here an instance of the common practice in Rabbinical discussions of referring to a whole verse of Scripture by quoting the opening words, with or without the Hebrew equivalent of ' etc '.

Next (following Luke's order) comes the refusal of obeisance to Satan, couched in terms borrowed from Deut. vi. 13 (cf. x. 20), *κύριον τὸν θεόν σου φοβηθήσῃ καὶ αὐτῷ λατρεύσεις*. In Lk. iv. 9 this becomes *προσκυνήσεις κύριον τὸν θεόν σου καὶ αὐτῷ μόνῳ λατρεύσεις*. Matt. iv. 10 is the same save that the order of words is *κύριον τὸν θεόν σου προσκυνήσεις*. Matt. and Luke unite against the Hebrew and the LXX in having *προσκυνήσεις* rather than *φοβηθήσῃ* (תִּירָא) and in adding *μόνῳ* to *αὐτῷ*.[3] The simplest and most satisfying explanation is, I think, that Matt. and Luke give the true text of Q, and that Q embodies the traditional form of the reply, unaffected by the Masoretic text and the LXX.

[1] *The Beginnings of Christianity*, iii. p. ccxxxii.

[2] *Synoptische Studien*, ii. 41.

[3] Many MSS. of LXX have *μόνῳ* in Deut. vi. 13 ; but this may represent the influence of the N.T. form of the saying.

In the third Lukan temptation we have two texts. One offered by the Tempter from Ps. xci. 11 f. requires little comment save a note of the fact that Matt. and Luke again agree against the Masoretic text and the LXX, this time in omitting a few words. The other text, the reply of Jesus quoting Deut. vi. 16, shows full agreement between the Evangelists on the one hand and the Hebrew and Greek of Deuteronomy on the other.

The cry of dereliction (Mark xv. 34, with parallel in Matt. xxvii. 46) is given in three languages in the textual tradition: Hebrew, Aramaic, and Greek. The Greek is there as a translation of the words actually uttered; and it is still a matter of debate whether Mark recorded those words as spoken in Hebrew or Aramaic. The words are a quotation from Ps. xxii (xxi). 2. The Hebrew is:

אֵלִי אֵלִי לָמָה עֲזַבְתָּנִי

The Targum (ed. Lagarde) has:

אלי אלי מטול מה שבקתני

The LXX: *ὁ θεὸς ὁ θεός μου, πρόσχες μοι· ἵνα τί ἐγκατέλιπές με.*

In Mark Westcott and Hort, Tischendorf, and von Soden print the spoken words in the form:

ελωι ελωι λεμα (or λαμα) σαβαχθανει

and in this they have the support of the great majority of the MSS. There is no doubt that this can be read as Aramaic, even though it does not agree with the printed text of the Targum except in the last word. That, however, is not a fatal objection. The printed Targum has no monopoly of possible Aramaic renderings of the Hebrew text; and we know from the case of the Torah that it was possible to have three Targums of the same text in existence side by side. There can, I think, be no question that the text of Mark as printed in the critical editions is Aramaic. But there is MS. evidence in favour of a Hebrew form of the quotation. The reading ηλει ηλει instead of ελωι ελωι is offered by D Θ 565, ελει by 059; while the Old Latin MSS. *cd ff*² *i k n* all support the reading *Heli heli* (*i* has *heli hel*). The form λαμα, which comes nearest to the Hebrew is given by B 059 D Θ 565 1582 22 1424*(?) N Σ.[1] The Latin evidence for *lama* is

[1] These MSS. are as given by von Soden. Legg omits 1424* and adds D 192 1 1285. He also cites 474 1071 for the reading λαμμα.

dn[1] and the majority of the Vulgate MSS. used by Wordsworth and White. To this, on the authority of Legg, we may add Geo[2] Eth Arm. For the verb we have ζαβαφθανει in B and 0112, ζαφθανει in D, *zapthani* in *di* and probably in a predecessor of *ff*[2], *zap hani* in *k*. These all testify to the Hebrew עזבתני ; and though they are not numerous they show an early and widespread diffusion of the reading in Egypt, Western Europe, and North Africa. C. H. Turner[2] accepted the D text and read ηλει ηλει λαμα ζαφθανει, making Hebrew the language in which the cry was uttered. This was also the view of Dalman.[3] For my own part I am inclined to think that this Hebrew may well represent the earliest form of the tradition, and go back behind Mark to the pre-Markan Passion-narrative, on which Mark depends. In the last resort it seems to me that it goes back to Jesus himself. The notion of the bystanders that he was calling for Elijah suits the reading ηλει as it does not suit ελωι. (For what it is worth, the evidence of the apocryphal *Gospel of Peter*,[4] ἡ δύναμις μου, ἡ δύναμις, points in the same direction.) Now if the cry was in fact uttered by our Lord in Hebrew, the earliest form of the *oral* Passion-narrative, as told in Palestine in Aramaic, may well have given both the Hebrew words and the Aramaic translation. And when Mark wrote his Gospel it is conceivable that the tradition offered both Hebrew and Aramaic. Whichever he accepted, the other would remain in oral circulation ; and this may explain why both forms appear in the textual tradition of Mark. It may not be without significance that the strongest evidence for the Hebrew comes from places where Aramaic was not a spoken language : in other words it may well be that the Hebrew was ousted from the Gospel in those quarters where Aramaic was a living speech.

Something should here be said about the Greek rendering of the cry offered by Mark. At three points it differs from the LXX :

[1] We should probably add *ff*[2] which has *lazapmathani*, a simple case of metathesis for *lamazapthani*. *k* has *aṁmetzaphani*, which Hans von Soden took into his edition of the African Old Latin as *lama zaphtani*. According to Jülicher-Matzkow *i* has *lamanai* ; but my copy of Belsheim's edition of *i*, corrected by E. Kadlec for Mrs. Lewis, indicates that the *i* of *lamanai* has been crossed out.

[2] *J.T.S.*, xxix (1928), 12.

[3] *Jesus-Jeschua* (1922), 185. (English translation (1929), 204 f.)

[4] Ed. L. Vaganay, 254 ff.

(*a*) it has μου twice, against LXX once; (*b*) it does not have πρόσχες μοι; and (*c*) it has εἰς τί for LXX ἵνα τί. There is also a variant reading in Mark which, if genuine, would give a fourth and most striking difference from LXX. This is ὠνείδισας for ἐγκατέλιπες, offered by D and the Old Latins *ci* and *k*.[1] It has been accepted by Turner,[2] Burkitt,[3] and Harnack.[4] If it is right, it means that Mark offered an interpretation of the cry rather than a translation; for ὠνείδισας cannot be regarded as a translation either of the Hebrew or the Aramaic. But in any case Mark's independence of the LXX is sufficiently made out.

So much for the Synoptic Gospels. I turn now to consider the quotations in John, and begin with a different but not, I think, unrelated matter, the Aramaisms in John. These were the subject of a detailed study by C. F. Burney in his *Aramaic Origin of the Fourth Gospel* (1922). Following upon this the Manchester Hellenistic Seminar undertook an examination of the First Epistle of John and found that the Aramaisms claimed by Burney for the Gospel were absent from the Epistle. If we believe that both works are by the same author, this is a very curious and awkward fact. But it would certainly lose a good deal of its awkwardness if the Gospel or considerable parts of it had an Aramaic background; if, for example, the Gospel incorporated sources which went back to Aramaic originals. It occurred to me that we ought to look more closely into the question of the distribution of Burney's Aramaisms in the Fourth Gospel; and it at once appeared that they are not evenly spread through the book: they occur in blocks.[5]

Something similar seems to hold of the Old Testament quotations. They appear in the Fourth Gospel but not in the First Epistle; and, what is more, they tend to appear in those sections of the Gospel which are marked by the presence of Aramaisms. This holds of sixteen out of the twenty Old Testament quotations recognised as such by special type in Westcott and

[1] On the text of *k* at this point see F. C. Burkitt in *J.T.S.*, i. (1900), 278 f. He read *maledixisti* as the original text, which had later been altered.

[2] *J.T.S.*, xxix. (1928), 12.

[3] *Jesus Christ, an Historical Outline* (1932), 56. [4] *Studien*, i. 98-103.

[5] For a fuller discussion of this matter see my article in the BULLETIN, xxx. (1947), 312-29.

Hort's text. These twenty quotations were given a detailed study by Burney ;[1] and this led to conclusions very similar to those which we have already reached regarding the Synoptic Gospels. Seven examples were found to be no more than free reminiscence of Old Testament texts or phrases ; three are cases where the Masoretic text and the LXX agree, and John agrees with them ; two (and a possible third) show agreement with the LXX against the Hebrew ; one is claimed by Burney as a misrendering of an Aramaic original ;[2] and eight are quotations depending on the Hebrew. These eight are :—

i. 23 (Is. xl. 3). John the Baptist says, *ἐγὼ φωνὴ βοῶντος ἐν τῇ ἐρήμῳ, Εὐθύνατε τὴν ὁδὸν Κυρίου· καθὼς εἶπεν Ἡσαΐας ὁ προφήτης.* Here in the M.T. and LXX the verb is ' prepare ', not ' make straight '. John's *εὐθύνατε* comes from the parallel clause in Is. xl. 3, and renders the Hebrew . יַשְּׁרוּ (LXX. *εὐθείας ποιεῖτε*).

i. 51 (Gen. xxviii. 12). Jesus says, ' Verily, verily I say unto you, ye shall see the heaven opened and the angels of God ascending and descending on the Son of man (*ἐπὶ τὸν υἱὸν τοῦ ἀνθρώπου*) '. The Masoretic text of Gen. xxviii. 12 tells how Jacob dreamed ' and lo, a ladder . . . and lo, the angels of God ascending and descending upon it (בּוֹ) '. So it is understood in the LXX : *καὶ ἰδοὺ κλίμαξ . . . καὶ οἱ ἄγγελοι τοῦ θεοῦ ἀνέβαινον καὶ κατέβαινον ἐπ' αυτῆς.* But the way in which the text is applied in the Fourth Gospel involves taking בּוֹ to refer to Jacob and not to the ladder, a feat not possible if the Septuagint is being used, since in Greek men are masculine and ladders feminine. Burney made the further interesting and important point that the Rabbis in the Palestinian academies had discussed this very question of the interpretation of בּוֹ and that both the LXX view that it refers to the ladder, and the alternative view (adopted in John) that it refers to the person, had been maintained.[3] This contact with Palestinian Rabbinic tradition does not stand alone.[4]

[1] *The Aramaic Origin of the Fourth Gospel*, Ch. VIII.

[2] This is the famous saying in vii. 38.

[3] Burney, *op. cit.*, 116 n. The point is more fully worked out by H. Odeberg, *The Fourth Gospel*, 33-42.

[4] See my discussion of John iii. 14 f. in *J.T.S.*, xlvi (1945), 130 ff.

vi. 31 (Cf. Ex. xvi. 4; Ps. lxxviii (lxxvii). 24; Wisd. xvi. 20). This, I think, would better be included in the class of free reminiscences.

vi. 45 (Is. liv. 13) stands nearer to the Hebrew and Targum than to the LXX.

xii. 15 (Zech. ix. 9) is part of the description of the Triumphal Entry. As Burney pointed out John's *καθήμενος ἐπὶ πῶλον ὄνου* presupposes the Hebrew בֶּן־אֲתוֹנוֹת rather than the LXX *πῶλον νέον*.

xii. 39 f. (Is. vi. 10). Here Burney claims that 'John's text is a reasonably accurate rendering of the Hebrew, and is nearer to it than LXX'.[1]

xiii. 18 (Ps. xli (xl). 10) 'renders Heb. accurately, and is independent of LXX'.[2]

xix. 37 (Zech. xii. 10). John has *ὄψονται εἰς ὃν ἐξεκέντησαν*, 'they shall look on him whom they pierced'. The Masoretic text has 'me' instead of 'him', and is almost certainly corrupt. As it stands he who is pierced is God himself, an idea repugnant to Hebrew and Jewish piety. Some Hebrew MSS have 'him' for 'me' in agreement with the text of John; but this should probably be regarded as mere conjectural emendation designed to get over the difficulty of the Hebrew text. The LXX has a different solution to the problem. Whether by accident or design its creators read 'they danced' (רקדו) for 'they pierced' (דקרו). The dancing is then understood as an expression of disrespect or irreverence towards God. The Targum takes yet another way. What is clear is that the Johannine version of the saying is an emendation or variant reading of the Hebrew independent of the LXX.[3]

We may conclude our survey of the Johannine material by looking for a moment at the three cases where John sides, or seems to side, with the LXX against the Hebrew.

ii. 17 (Ps. lxix (lxvii). 10). John has *ὁ ζῆλος τοῦ οἴκου σου καταφάγεταί με*. The Hebrew text gives the perfect 'has eaten' where, John has the future 'will eat'. *Καταφάγεται* is read by B and א in the LXX; but it seems probable that this is due to

[1] *Op. cit.*, 121. [2] Burney, *ibid.* [3] Cf. Burney, *op. cit.*, 122 f.

reminiscence of the Johannine text, and that the true reading in the Psalter is κατέφαγέν με. This is the reading adopted by Rahlfs. If that is right, we have here a case in which the Fourth Gospel differs from both Hebrew and LXX.

vi. 45 (Is. liv. 13). The one point on which John agrees with the LXX against the Hebrew is in having 'taught of God' instead of 'taught of Jehovah'. But interchange of the two divine names is very easy and involves no change of meaning. It is as likely that we have faulty recollection of the Masoretic text as that we have agreement with the LXX against the Hebrew.

xii. 38 (Is. liii. 1). John agrees verbally with the LXX including the two points (addition of κύριε and the simple dative τίνι) at which the LXX diverges from the Hebrew.

So much for the technicalities. It seems to me that our consideration of the texts points to the conclusion that our Lord did make frequent appeal to the Old Testament in his teaching; and we have definite traces in the Gospels of the fact that he quoted it in the original Hebrew and/or in the Aramaic Targum. It remains to indicate briefly what kind of use he makes of the Old Testament texts.

There is first of all the fact that apart altogether from direct quotations the whole language of the New Testament, including the words of Jesus, is strongly coloured by the style and idiom of the Hebrew Bible. It is quite natural that it should be so; and I suggest that we should not be in too big a hurry to find quotation or even allusion where there may be nothing more than verbal echoes and reminiscences.

When we turn to the clear and obvious quotations, we note that the quotation rests on a real parallel between the situation reflected in the Old Testament texts and the situation in the Ministry to which it is applied. Mk. vii. 6 f. Is. xxix. 13 is a case in point. In both places the divine revelation through the prophet or through Christ is frustrated by the rigid adherence of the people to their man-made religious conventions. Again the quotation of Isaiah lxvi. 7 and Jer. vii. 11 at the cleansing of the Temple reflects the fact that the Jerusalem Temple should have been and was meant by God to be a place of worship for Gentiles as well as Jews; and that at the time of the Ministry, the only

part of it to which non-Jews had access was made useless for worship by the business activities that went on it in.

Or again take matters of doctrine or practice. What is the essence of Jewish ethics? The answer is given by bringing together two key texts from the Pentateuch. What is the basic truth about marriage and divorce? The answer is found by going back to the purpose of God when he founded the first human family. Or what about the resurrection? It would have been easy to quote from Daniel the most unambiguous statement of the doctrine in the Old Testament. Instead Jesus goes to something more fundamental still, and uses an Old Testament text to show that the real and abiding life of man is bound up with his relation to God. In a word, our Lord's treatment of the Old Testament is based on two things: a profound understanding of the essential teaching of the Hebrew Scriptures and a sure judgement of his own contemporary situation. There is nothing trivial or artificial about his use of the Old Testament: throughout we feel that we are in touch with realities, the realities of the divine revelation and the realities of the historical situation. I suggest that this should provide the standard and pattern for our own exegesis of the Old Testament and the New.

THE "ROMAN DE LA ROSE" AND A TREATISE ATTRIBUTED TO RICHARD DE FOURNIVAL: TWO MANUSCRIPTS IN THE JOHN RYLANDS LIBRARY

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TWO [1] manuscripts of the "Roman de la Rose" are at present in the John Rylands Library, the one [2] forming part of the Library's own collection of French manuscripts, and the other deposited by its owner C. C. Rattey, Esq. The former, Rylands French MS. 66, has been the subject of a short note in *Romania* by Dr. Fawtier [3] whose intention was, however, mainly to draw attention to the existence of the volume,[4] and there is need for a more complete account of it. The manuscript formed part the collection of books assembled at Longford Hall by Mrs. Rylands, who later gave it to the Library. It bears traces of former ownership on the recto of the second folio, where, in the upper margin, is a note written in a seventeenth-century French hand, which reads: *De Conventu Patrum Minimorum Montensium*, showing that it formerly belonged to the convent of the Friars Minim at Mons. The Minims, an offshoot of the Franciscan order, were established by Saint Francis of Paula in 1435, and

[1] I take this opportunity of expressing my thanks to Mr. Rattey for permission to consult his manuscript, now deposited in the John Rylands Library, for the purposes of this article; to Father Gennaro Moretti for his generous assistance with regard to the order of the Minims; to Dr. R. Fawtier for his kindness in allowing me to refer to his notes, now in the John Rylands Library, on which his own article is based; and to Dr. F. Taylor for constant encouragement during the preparation of this article.

[2] Rylands French MS. 66.

[3] R. Fawtier, "Deux Manuscrits du 'Roman de la Rose'", *ap. Romania*, Vol. LVIII (1932), pp. 265-73. See also M. Tyson, *Hand-List of the Collections of French and Italian Manuscripts in the John Rylands Library, 1930*, p. 26. (Reprinted from the BULLETIN OF THE JOHN RYLANDS LIBRARY, Vol. XIV.)

[4] "Au reste, ce manuscrit se trouvant dans une bibliothèque publique, l'examen détaillé en est plus accessible à ceux qu'il pourrait tenter et il suffit d'en signaler ici l'existence" (*op. cit.*, p. 273).

convents were founded in France and the adjoining countries at an early date. The order flourished throughout Europe until the end of the eighteenth century. The convent at Mons, which was founded in 1617, prospered to such an extent that it transferred to a larger building in 1706.[1] The Minims normally had a good working library,[2] and the foundation at Mons had a tradition of scholars.[3] It has so far been impossible to determine at what date the manuscript entered this library, but it may well have been there from the foundation of the convent, since, as stated above, the note of ownership is in a seventeenth-century hand. It doubtless left the convent at the time of the French Revolution, for according to the audit of the property of the Minims of Mons then compiled, the library consisted mainly of printed books. The more valuable items, including the manuscripts, had been hidden, and were later sold to an English merchant from whom some volumes were acquired for the collection of Sir Thomas Phillipps.[4] It is not known how this particular volume passed from its hiding place into the hands of the London bookseller from whom it was purchased by Mrs. Rylands. Some of the other manuscripts from the library of the Minims are now in the Bibliothèque Publique at Mons, and others, especially those of Belgian interest, were acquired by the Bibliothèque Royale of Brussels as they became available at the various Phillipps sales. Those at Mons[5] all bear a note of provenance similar to that on our manuscript and in all cases the press-marks are similar. In the case of the Rylands manuscript this press-mark consists of the letters P. J. J. written in a large hand in the centre of the lower margin of the recto of the second leaf. No other traces of earlier ownership occur.

The manuscript consists of 163 vellum leaves (280 × 201 mm.)

[1] Guiseppe Maria Roberti, *Disegno storico dell 'Ordine dei Minimi dalla morte del santo istitutore fino ai nostri tempi*, 3 vols., Rome, 1902, 1908, 1922; Vol. II, p. 126, no. 327; Vol. III, pp. 225-26.

[2] The Minims of Tonerre also possessed a manuscript of the "Roman de la Rose". See Méon's edition, Vol. I, p. 102.

[3] For instance Father Giangiacomo Courvoisier, twice Provincial, and author of many ascetic works.

[4] Paul Faider, *Catalogue des Manuscrits de la Bibliothèque Publique de la Ville de Mons*, Ghent and Paris, 1931, p. xxviii.

[5] Numbers 403, 647 and 896 of the Catalogue; manuscripts 244 96, 84 95, 415.

in gatherings of eight, which are preceded and followed by three modern vellum fly-leaves. The text is written in double columns, usually of 35 lines each, the written area being 212 × 153 mm. As in the case of most verse texts, the initial letter of each line is placed a little (some 3 mm.) to the left of the main body of the text, which is decorated with alternate red and blue initials and red rubrics : some of the proper names are inserted in the text in red, and marginalia, both in red and black, are very frequent. Catchwords are still visible, but the old signatures have been cut away by the binder's knife, though a modern series, a-v, in pencil, survives in the lower right-hand corner of the recto of the appropriate leaves. There are two foliations, both the same, both modern and in pencil, the one in the top right-hand corner of the leaf, and the other in the lower left-hand corner, usually between the first and second letters of the last line of the first column. Prickings are visible, especially in the outer margins of ff. 107 and 115, in each case the first leaf of a gathering. The blue morocco binding,[1] bearing the library's monogram on the cover, was executed during the early years of the present century by Fazakerly of Liverpool. The volume contains the whole of the poem of Guillaume de Lorris (ff. 7-40v.), and most of the continuation of Jean de Meun (ff. 41-163v.), breaking off on f. 163v. at line 21007,according to the most recent edition of the whole of the " Roman de la Rose ".[2] The last gathering, containing the remaining 773 lines, is missing. The first line of the second leaf of the " Roman de la Rose " (f. 8) is *Enclos d'un haut mur batailliè* (v. 131).

In addition to the rubrics there are four miniatures ; the first one, on f. 7, is surrounded by a decorated border and grotesques. This opening miniature, which heads the romance, is an historiated capital M,[3] showing a tastefully executed portrayal of the sleeping author. The M is in gold against a decorated azure background, and the whole is surrounded by a plain yellow

[1] Measuring 292 × 205 mm. The title *Le Roman de la Rose MS.* is on the spine.

[2] Ernest Langlois, *Le Roman de la Rose, par Guillaume de Lorris et Jean de Meun, publié d'après les manuscrits*, 5 vols., Paris, 1914-24 (*Société des Anciens Textes Français*).

[3] 34 × 41 mm.

border. The composition is headed by the rubric *Chi commenche li roumans de la Rose*, and the opening lines follow :

Maintes gens dient que en songes
N'a se fables non et mensonges ;
Mais l'en puet tel songe songier
Qui ne sont mie mensongier. . . . (vv. 1-4)

The remaining three miniatures are of a completely different style from the first, resembling coloured drawings. The second one (64 × 37 mm.), preceding v. 2077 on f. 22 col. i, is entitled *De la maniere comment il doit oeuvrer en ses commandemens*, and depicts, within a simple yellow border, against a red background relieved by a pattern of small white flowers, on the left a crowned angel-like figure clad in a blue and fawn robe, with a blue nimbus, addressing the author who is on the right. The angelic figure is Amour. The third miniature (64 × 53 mm.), preceding v. 10495 on f. 87 col. i, depicts the same angelic figure in a red and light fawn robe with a red nimbus, beckoning with a raised right hand to her barons, of whom five can be seen on the left ; and with her left hand she indicates the castle of Jalousie, on the right of the miniature, from the door of which an ugly dwarf is issuing, bearing a club on his left shoulder. A man and a woman, with expressions of terror, are seen on the battlements. The whole is against a background of blue with a white floral decoration, surrounded by a simple yellow border, and introduced by the rubric : *Comment Amours mande ses baronz pour prandre le chastel Jalousie*. The fourth miniature (69 × 40 mm.), on f. 87v. col. i, is that depicting the continuator, Jean de Meun. On the left Amour, a crowned angel clad in blue with a blue nimbus, sitting on a chair, directs the writings of Jean de Meun who is seated on a similar chair with his back turned towards her. He is represented as a clerk. A scroll with the name Jean Chopinel is over the desk. The border is again a simple yellow one, and the background red with white flowers. The rubric *Comment Amours prophete a maistre Jehan Chopinel qu'il persera et continuera le joli Rommans de la Rose* is followed by the lines :

Puis venra Jehan Clopinel
Au cuer joli, au cors ysnel. . . . (vv. 10565-66)

The original form of the name seems to have been Chopinel, and the variant Clopinel perhaps developed with the idea that the

author of the continuation was in some way deformed, a fact which is hard to reconcile with the description *au cors ysnel*.[1]

In this volume the " Roman de la Rose " starts on f. 7. The earlier leaves are filled with the first five " Capitle " [2] of the romance which refer to the first fifty lines, and precede the following account of the dual authorship and the rubrication of the work, the whole of which is written in red :

> Chest livre que on appelle le Roumans de la Rose commencha maistre Guillaumes de Loris, et le fist duskes a chest vers : ch'est li songes, etc. Aprés le mort Guillaume, le continua maistre Jehan Chopinel de Meun, et ambedoi dient que des choses escriptes en ce roumans estoit uns songes, mais riens n'i avoit que tout avenu ne soit ; et est a savoir que en che songe sont contenu mout de beaus dis, de beaus examples, et de autres soutilletés par rubrikes notees, et a l'arme et au corps profitables, che semble a celui qui ches rubrikes et les autres ordena et fist ; et s'il a errei, il rapelle ses erreus, et le veut amender. (f. lv. col. i.)

The rest of the leaf is blank.

Ff. 2-4 contain a short prose treatise on the nature of love, which is discussed in the third part of the present article, and edited in the Appendix.[3] This is followed on ff. 4v-6v. by the *Table de Capitle*, which are summaries of the romance. They are written not in double columns, but right across the page. In parts three or four items are crowded into the space normally occupied by only two lines. There are signs of rather hurried compilation of the list, which contains items inserted after the establishment of the main body of the text. Each *capitle* on f. 4v. is introduced by a red initial, and subsequently by alternate blue and red initials ; some are numbered. That the list was intended to facilitate the reading of this rather long, though extremely popular work, is seen by the note :

> Che sont li capitle et li title des materes du Rommans de la Rose determiné et noté par ordene et par certain nombre pour trouver legierement cascune matere. (f. 4v.)

Many of the rubrics given here correspond verbatim with those of the text ; some of the items in the table are a condensed version of several rubrics. The first twenty-six items are numbered, and the numbering starts again on f. 6v. going as far as 133, the intervening numbers having been erased. The numbers do not refer

[1] Langlois, *ed. cit.*, Vol. I, p. 15.

[2] Printed in full by R. Fawtier, *op. cit.*, p. 271.

[3] *Infra*, pp. 349-365.

to the leaves of the volume, but are simply an enumeration of the various items of the table. That the volume was at one time complete is shown by the last three of the *capitle* :

> Comment Venus traist le brandon
> Des estrumens que Nature donne
> Au fait et ensegnement comment le rose fu ceuillie,

which refer to the final episodes of the romance.

The text presented by the manuscript offers several interesting features. Guillaume de Lorris composed his poem about the year 1237,[1] and his death was no doubt the reason why the story breaks off uncompleted at line 4058. After an interval of about forty years Jean de Meun added his conclusion of 17722 lines ; before this, however, a short anonymous passage had been added to round off the story. It is similar in language and style to the work of Guillaume de Lorris, and consists of seventy-eight octosyllables. Langlois found it in only six manuscripts ; a seventh may now be added to that list, for it is found also in Rylands French MS. 66, which gives seventy-two lines of it.[2] This apocryphal termination is the work of an unskilful writer who, although writing in a similar dialect to that of Guillaume de Lorris, betrays his inexperience by introducing no less than five new allegorical personages. In our manuscript the conclusion is announced by the rubric : *Comment Beauté, Bel-Accueil, Loyaulté, Douz-Regart et Simplesce yssirent de la Tour et abandonnerent la Rose.*[3] The termination follows, beginning at the seventh line of the version printed by Langlois. The five personages mentioned come out of the tower of which Bonne-Amour has opened the door while Jalousie slept. Male-Bouche does not know of this, and Peur is vanquished. They come to the Lover to whom Beauté presents the rosebud. After a night of pleasure, the Rose is secretly replaced in the tower, and the sleeper awakens. The beginning and the end of the passage are marked by the rubrics : *Chi fine Guillaumes de Loris* and *Chi commenche maistre Jehan Chopinel de Meun a continuer le Rommans de la Rose*. Only one manuscript is extant which ends at this point.[4] The re-

[1] Langlois, *ed. cit.*, Vol. I, p. 2.
[2] Ff. 40v. col. i-41 col. i ; see Langlois, *ed. cit.*, Vol. II, pp. 330-333.
[3] F. 40v. col. i, line 30.
[4] MS. B.N. fr. 12786.

maining five containing the continuation go on, as does Rylands French MS. 66, to give the poem of Jean de Meun.

Since an interval of forty years separates the two parts of the romance, the textual tradition of the poem of Guillaume de Lorris had evolved considerably before Jean de Meun set to work. Two classifications of the manuscripts are therefore necessary: one for each part of the poem. A work such as the "Roman de la Rose", and in particular the second part of it, lends itself to many insertions and digressions, and so the classification of the manuscripts can often be established by means of these differences. Ernest Langlois suggested a means of classifying the two parts of the romance,[1] and we attempt to fit the Rylands manuscript into the pattern which he provides. For both parts, Langlois suggested a division into two categories: those preserving an earlier and more authentic form of the work, and those which are in fact later remaniements. There are others which have readings of both groups, and within the groups there are sub-divisions. It would be out of place in an article of this kind to do anything other than indicate the general place in the tradition of the manuscripts concerned.

The classification of the poem of Guillaume de Lorris turns on the passage in which the guardians of the Rose are described. Langlois has shown[2] that what is probably the earlier form of the poem describes four guardians—Dangier, Male-Bouche, Honte and Peur. In some manuscripts only three are mentioned, for Peur is omitted. The Rylands manuscript not only mentions all four of the guardians by name,[3] but also contains the lines:

> Or sunt as rose garder quatre
> Qui se leroient ainçois batre, (vv. 2863-64, f. 32 col. i.)

which clearly indicates that the text belongs to Group I, the smaller but more authentic group. This is not unexpected, for the manuscript shows signs of an earlier tradition by including the anonymous continuation anterior to Jean de Meun.

In the case of the second part of the romance, however, the

[1] E. Langlois, *Les Manuscrits du Roman de la Rose. Description et classement*, Lille and Paris, 1910 (*Travaux et Mémoires de l'Université de Lille, nouvelle série, I Droit, Lettres*, Vol. 7).

[2] *MSS. du Rom. de la Rose*, p. 242.

[3] F. 31v. cols. i-ii.

problem is more complicated, for this is a long work abounding in interpolations and digressions. Manuscripts which belong throughout to one and the same group are indeed rare. Our text does not contain the interpolation of two lines between vv. 8178-79[1] the absence of which is characteristic of Group I, although it has also elements which are characteristic of the less authentic Group II. On ff. 43v. col. i to 44 col. ii there is an interpolation of some 106 lines, between vv. 4400 and 4401, which is an addition to the *Diffiniction d'Amour par Raison*. It is in the form of a litany, and many of the lines are of the following pattern :

Amours est fors, amours est dure,
Amours soustient, amours endure,
Amours revient, et tousjours dure.[2]

This interpolation is found in at least twenty-eight other manuscripts of Group II. Although here at least our manuscript clearly belongs to Group II, its reading of v. 9628 :

Treus et rentes leur baillerent (f. 81 col. i.)

is clearly that of Group I.[3] It is not possible, however, to assume that the copyist followed a manuscript of Group II as far as about f. 69, in order to abandon it for a Group I source for a few leaves, for we find a little further on[4] a long interpolation between vv. 11222-23 occurring only in Group II manuscripts, an interpolation which is itself full of digressions. It is described by the rubric *Comment Faus Semblant dit qu'il a pooir de confesser et d'absouldre, mes il dechoit le monde, che dit.* Our manuscript contains all but lines $58^{13\text{-}50}$ of it.[5] Shortly afterwards, however, the manuscript preserves what is probably the older form of the romance by retaining four lines which many manuscripts of Group II omit, although a meaningless passage results.[6] Again, Rylands French MS. 66 reads for vv. 15015-16 :

Que service nous y faciez
Bien savons que vous ne traciez, (f. 120v. col. i.)

[1] F. 70v. col. i.
[2] See Langlois, *Mss. du Rom. de la Rose*, p. 425.
[3] Group II reads : *Et tuit et toutes li baillierent*. See Langlois, *loc. cit.*
[4] Ff. 92 col. ii-93 col. ii.
[5] Langlois, ed. of *Rom. de la Rose*, Vol. III, pp. 311-15 ; *Mss. du Rom. de la Rose*, pp. 426-30 (vv. $lviii^{13\text{-}30}$).
[6] Rylands French MS. 66, f. 114v. col. i, vv. 14169-74.

whereas many of the manuscripts of Group II open the couplet with some phrase such as *que se metre* or else alter the passage completely.[1]

Of the five passages used by Langlois for classifying the manuscripts of the poem of Jean de Meun, Rylands French MS. 66 contains a reading of Group I in three cases, and in the remaining two cases, both of which are lengthy interpolations, follows Group II. It seems as though the scribe followed a Group I model, turning to Group II only when it contained lengthy passages which he felt to be an integral part of the work, and which were not in his Group I source.

One of the most striking features of Rylands French MS. 66 is the larger number of marginal notes, of which the majority are in red. Many of them are rubrics, or else, very frequently, the word *Nota* placed against a line. Some of the marginalia seem to be the work of a corrector, as on f. 20v. col. i, where line 1862, which is written in the lower margin, is inserted in its correct place near the top of the column by means of the letters a, b. Again, leaves 27-30, containing lines 2152-2730, which are already copied on ff. 22v. col. i (line 34)-26v. col. ii (line 24), are crossed out in red, and the error noted by the rubricator who wrote at the top of f. 27 col. i *Chil quatere foellet sont escrit devant.* The two copies of this part of the text are by no means verbally identical, and the mistake in copying was not noticed immediately by the rubricator, for some of the rubrics have in fact been inserted in these four duplicate leaves.

Although a space of one or two lines is left in the body of the text for the rubrics, this has often proved to be insufficient, and so the rubrics overrun into the margins. Where no place has been reserved, they are written in the lower margins, and their correct situation indicated by means of a sign such as a cross within a circle, or a star. These rubrics are usually summaries of the text, as that on f. 72v. col. ii. :

> Chi commence le sarmon que li jalous fait a sa feme quant il cuide estre sages, et cuide avoir la maistrise et la signorie de lui, et de l'avoir, che dit l'Amis a l'Amant, qui li Jalous parle a sa feme ainsi,

which refers to lines 8467 *sqq.*

[1] E.g. to *Or tost ailleurs vous pourchaciez , Bien savons que vous ne traciez.* See Langlois, *Mss. du Rom. de la Rose,* pp. 432-34.

The majority of the remaining notes in red consist simply of the word *Nota* ; this frequently occurs in black also. It has been inserted extensively, occurring on most pages, in some instances very frequently ; as on f. 57v. where it is found fourteen times, or on f. 110v. where it is repeated no less than sixteen times. Again, on f. 116v. col. i, it occurs thrice side by side, once in red and twice in black, against line 14455. The value of the notation could readily be understood were its use less common, but when it is added against so many lines, it loses its force and value. Occasionally proper names are written in red. Much of the " Roman de la Rose " consists of direct speech or of description of series of allegorical and other personages, and it was perhaps to facilitate the reading of the text that these names were written in red in the margin, and sometimes in the body of the text as well. In the description of the images ornamenting the wall of the garden of the rose, the name of each is written in red in the margin at the opening of each account. Again, in the case of direct speech, the name of the speaker is similarly added, and when the speeches are very long, as is not unusual, the name is also written in red in the centre of the top margin of the page.[1] Other subdivisions of the narrative are similarly indicated, e.g. *La premiere bataille, la seconde bataille* and *la tierche bataille*.[2] In the same way the commandments of love are enumerated.[3] The breaking up of the direct speech in this way suggests that this copy may have been used for reading aloud by several people in a semi-dramatic form.

In addition to the red marginalia, there are on many leaves the markings of a corrector. This hand is almost contemporary with that of the copyist, though much smaller in size. The corrections vary from the alteration or insertion of one or two letters and the indication of the correct order of lines[4] to the insertion of groups of lines omitted from the text, and the addition of variant read-

[1] E.g. *L'Aucteur* on ff. 18-19, and *Raison* on ff. 44-63.

[2] Vv. 10719, 10729, 10737 ; f. 88v. col. ii.

[3] Vv. 2077 *sqq* ; ff. 22 *sqq*.

[4] E.g. on f. 40 col. ii, where vv. 4005-06 are placed in the correct order by means of the letters *b a* in the margin, on f. 136 col. i, where this small hand of the corrector has indicated the emendation of v. 17244, and on f. 23v. col. ii, where the words *escrie un quidier* (v. 2323) are added.

ings. Sometimes the scribe himself has written a group of lines at the bottom of a leaf,[1] but more usually these alterations are in the corrector's hand, which sometimes makes an insertion actually in the text.[2] Some of the variant readings offered by the corrector are of interest, as on f. 38 col. ii where the text reads :

Lors leva le villain l'aumuce
Sez iex euvre, si les beluce,
Fronce le nes, les yiex roeille
Et fu plain d'ire et de roeille. (vv. 3731-34.)

The corrector has added in the lower margin the version :

Lors leva le vilain la hure
Car il ot tres laide figure,
Que ne vous estre sanquicie
De vo service aveis failly

which has no equivalent among the variants of the Langlois edition. Sometimes it seems as though the corrector's additions are his own versified expansion of ideas already contained in the text. The lines :

Une feme et un vilain home,
Li homs Male Bouche se nomme,
Nes fu ẹn sachiés en Normendie,
C'est uns vilain cui Dieux maudie,
Et sa feme ot nom Honte,
Et sachiés qui a droit conte . . .

inserted on f. 31v. col. i before line 2838 seem to be an expansion of the idea contained on f. 39v. col. i :

Male Bouche que Dieux maudie
Ot soudoieurs de Normandie (vv. 3889-90.)

This addition seems to be peculiar to our manuscript. Sometimes the corrector is too enthusiastic, as on f. 93 col. ii where he has added two lines after line 11244 :

J'aim riches qui ont poosté
Nule poverté je ne daigne

which have no equivalent in this place in other manuscripts, and which seem to refer to lines 11237-40. A similar mistake has been made on f. 95v. col. ii, where, after line 11568, the lines :

Ne trouverés tournoi ne jouste
Que ne me trouvissiés dejouste

[1] Vv. 9212-15 are added in this way on f. 78.
[2] V. 19360 is so added on f. 153v. col. i.

are added. The other manuscripts contain interpolations at this point, but none seems to contain this couplet. The text, then, shows signs of careful revision and completion. Apart from the corrections of the type noted, there are minor additions [1] and erasures of rubrics,[2] all of which have the object of completing and improving the text.

It is possible to distinguish more than one hand in the copying of the volume itself. There is a change of ink at the first line of f. 140 col. i, and again at line 17 of f. 156 col. i. There is an undoubted change of hand at the beginning of the new gathering on f. 147. It would appear that two scribes worked on the volume, the second taking over the task of copying when the work was almost completed. It seems likely from the language that the whole of the volume was written in North-Eastern France, in Picardy. The forms *ches* for *ces*, *le* for the feminine of the definite article are Picardisms, and many others can be readily noted in the extracts already quoted, and in the Appendix.[3] The decoration of the manuscript also supports the view that it is a Picard product. The language is that of the first half of the fourteenth century, and although the text is thus a comparatively late one, it belongs mainly to Group I, the earlier and more authentic version of the poems of Guillaume de Lorris and Jean de Meun, and is completed by interpolations from other groups.

II

The other manuscript of the "Roman de la Rose" in the Library contains the whole of the work of Guillaume de Lorris and the continuation of Jean de Meun, followed by the anonymous literary gem, "La Châtelaine de Vergy".[4] Of all the manuscripts described by Langlois, only two others contain the

[1] On ff. 12v. (vv. 807-14); 58v. (vv. 6443-46); 78 (vv. 9212-15); 78v. (v. 9303); 110v. (v. 13652, added and then wrongly crossed out); and 125 (vv. 15646-49). In some of these cases a reviser had written the lines before the scribe inserted them.

[2] On ff. 127v. col. i, 129v. col. i, and 131v. col. 1.

[3] An account of the peculiarities of the Picard dialect is to be found in M. K. Pope, *From Latin to Modern French*, Manchester, 1934, pp. 491-93, § 1321.

[4] The "Roman de la Rose" occupies ff. 1-154 col. ii, and the "Châtelaine de Vergy" ff. 155-61v. col. i.

"Châtelaine de Vergy" as well as the "Roman de la Rose".[1] The volume is bound in seventeenth, or perhaps early eighteenth-century French red morocco,[2] on which has been stamped at a subsequent date the arms of Hudson Gurney (1775-1864), the well-known Norfolk bibliophile. It appears that the volume was one of those which in 1820 passed from John Patteson, through the hands of a Norwich bookseller, to Hudson Gurney.[3] The Patteson collection of books had been assembled by Cox Macro (1683-1767), who had in his turn acquired them either from Bury Abbey, or from Sir Henry Spelman (1564-1641), the antiquarian.[4] The only other traces of former ownership in the manuscript are on the last leaf, of which the verso is glued to the end paper. Here, in the upper margin of the recto, is written in an ornate seventeenth-century hand, *A CeLe La RaNdRe HoNeVr PLUS DE VIL Que Joye*, and beneath it, in the centre of the page, is a monogram, which, when expanded, may be read as *OSPORINACE*, neither of which devices we have been able to trace. The manuscript was sold in 1936, together with a part of the Keswick Hall collection from the library of Major Q. E. Gurney, and has now passed into the hands of Mr. Rattey.

It consists of 162 vellum leaves (295 × 218 mm.) written in double columns, usually of thirty-six lines each, the written area measuring 204 × 147 mm. Two paper fly leaves, contemporary with the binding, precede and follow the vellum leaves. The text, which is written throughout in the same careful middle or late fourteenth-century hand, is decorated with alternate blue and red initials. The incipit of f. 2 is *Tout clos de haus murs bataillié* (v. 131). There are two miniatures. The first,[5] at the beginning of the "Roman de la Rose", depicts the sleeping author with a

[1] Rennes, Bibliothèque Municipale, MS. 243; Brussels, Bibliothèque Royale, MSS. 9574-75. Both contain only the "Roman de la Rose" and the "Châtelaine de Vergy".

[2] The binding measures 306 × 225 mm., and the title *Roman de la Rose, manuscrit*, is on the spine.

[3] See *La Chastelaine de Vergi*, edited by Raynaud and Foulet, Paris, 1912 (*Les Classiques Français du Moyen Age*), p. v, n. 1.

[4] On the Macro collection, see *The Macro Plays*, edited by F. J. Furnivall and A. W. Pollard, London, 1904 (*Early English Text Society, Extra Series, No. XCI*), p. 1.

[5] F. 1 col. i. It measures 67 × 53 mm.

figure standing by his bed, inspiring him, and a highly stylised tree between them, the whole being set against an orange background with a simple coloured border. There is no rubric, and a nineteenth-century hand has added the title *Le Roman de la Rose*. The text opens with the lines:

> Maintes genz cuident que en songes
> N'ait se fables non et mensonges ;
> Mais l'en puet tel songe songier
> Qui ne sont mie mensongier. . . . (vv.1-4.)

The continuation of Jean de Meun is introduced by an initial six lines in depth.[1] The second miniature [2] is at the beginning of the tale of the " Châtelaine de Vergy ",[3] and is in fact an historiated V. The lover, dressed in blue, is seen on the left ; a stylised tree in the centre, at the foot of which is the little dog running towards him, separates him from a doorway on the right, in which a lady is standing, dressed in an orange surcoat with a blue shift. The whole is set against a magenta background.

At the end of the " Roman de la Rose ", the last leaf [4] of which is of a thicker, whiter vellum than the rest of the volume, is the explicit, *Fin du Rommant de la Rose*, in the hand of the copyist. There is no title at the beginning of the " Châtelaine de Vergy ", but at the end,[5] there is likewise a note, *Explicit li Roumanz de la Chastelainne de Vergi*. There are no rubrics in either text, although spaces, usually of two lines each, have been left for them. Occasionally as many as seven lines [6] have been left blank for the rubric, and perhaps for a miniature as well. The foliation is in modern pencil, in the lower right-hand corner of the recto of the leaf, but there are traces of a foliation in roman numerals, perhaps of the fifteenth century, in the top right-hand corner of the recto of the leaf. Other annotations include, on f. 151 col. ii, against a blank line, *Cy parole l'Amant*,[7] and on f. 153v. col. ii, *Encore parole l'Amant*.[8] The only annotation in the " Châtelaine de Vergy " is the word *hic* against line 194.[9] The remaining marginalia, other than crosses against occasional

[1] F. 29v. col. i.
[2] 43 × 55 mm.
[3] F. 155 col. i.
[4] F. 154.
[5] F. 161v. col. i.
[6] F. 12 col. ii, before v. 1615.
[7] V. 21346.
[8] V. 21587 ; vv. 21583-86 are omitted.
[9] F. 156 col. ii.

lines, refer to a binder's error. In the lower margin of f. 66v. col. ii, in a hand very similar to that of the earlier foliation, is the note :

Verte usque ad octo folia
[Ubi ?] Devant les voisins qui la viennent,

which refers to the first line of f. 75 col. i :

Devant les voisins qui la viennent (v. 9379.)

On f. 74v. col. ii, again in the lower margin, in the same fifteenth-century hand, is the note :

Verte usque ad vj folia
Ubi de froit de faim crier et braire,

a reference to the first line of f. 81 col. i :

De faim de froit crier et brere (v. 11247.)

A similar note, partially erased, is found at the foot of f. 80v. col. ii ; it has not been possible to decipher this, even with the aid of the ultra-violet lamp. These markings indicate the correct order in which the text should be read, for folios 67 to 74, which contain lines 10239-11246, should have been placed between the present folios 80 and 81. The mistake made by a binder during the fifteenth century was repeated when the volume received its present binding, no doubt because the catchwords, which occur at the end of every eight-leaf gathering, had in some instances been cut away.

The other markings in the volume, especially on the fly-leaves and end-papers, include pen-trials and the name *daingier*,[1] book-sellers' notes,[2] a mention that the manuscript had been listed by Langlois,[3] as well as a note in an early nineteenth-century hand, which reads : "This is a very good and valuable ms of the Roman de la Rose, at the end is the pathetic tale of the Châtelaine de Vergy. D." A modern hand has completed the name Douce in pencil. No doubt when the manuscript changed hands during the first quarter of the nineteenth century, Francis Douce, the antiquarian and bibliophile and a contemporary of Hudson Gurney, whose manuscript collections now enrich the Bodleian

[1] On the recto of the last leaf.

[2] Such as *ar*, *120/*, *O*, *Ep.* 51, *nvp*, and a dot within a circle, all on the first fly-leaf.

[3] Ed. of *Rom. de la Rose*, Vol. I, page 49, note 1 (p. 51).

Library, had occasion to examine the volume, perhaps at the invitation of one of the owners, or of a bookseller. Other notes and correspondence suggest that the manuscript is of about the year 1380, or else of the early fourteenth century; it is probably of the latter half of the fourteenth century, for the language and state of the text indicate a somewhat late version of both parts of the romance. The palaeographic and artistic evidence points to a similar conclusion.

The poem of Guillaume de Lorris is of a later version than that of Rylands French MS. 66, for although on f. 20v. col. ii Male-Bouche, Honte and Peour are listed as guardians of the Rose, together with Dangier, on f. 21 col. i, we read:

Or sont as rosiers gardier troi. (v. 2863.)

Thus the manuscript has the readings of both Groups I and II, and so belongs to the conflated Group III, as it is styled by Langlois.[1]

For the poem of Jean de Meun, there is no interpolation after line 8178,[2] and so here the text belongs to Group I, but neither this manuscript, nor Rylands French MS. 66, although both predominantly of Group I at this point, has the drawings of the hands at lines 11479-80.[3] The Litany of Love between lines 4400 and 4401[4] is not to be found in the Rattey manuscript, which on f. 76v. col. i reads:

Treuz et rantes li baillierent (v. 9628.)

and so belongs to Group I in both these respects. On the other hand, on f. 74 col. i lines 11213-22 are omitted, and eighty-four lines interpolated concerning the privilege of confession claimed by Faus Semblant—a characteristic of Group II. On f. 100v. col. ii we have a modified version of the reading of Group I, for a different version of lines 14169-79 is interpolated from a group of manuscripts.[5] Again, on f. 106v. cols. i-ii, there is the Group II version of lines 15007 and 15015-16, namely:

Que servisse vous i faciez
Nous savons que vous ne traciez.[6]

[1] *Mss. du Rom. de la Rose*, p. 243.
[2] F. 58v. col. i.
[3] Langlois, ed. of *Rom. de la Rose*, Vol. III, p. 202.
[4] F. 31v. col. i.
[5] *Ba, Bâ, Be, Co.*
[6] Langlois, *Mss. du Rom. de la Rose*, pp. 432-34.

The manuscript offers then a linguistically and stylistically modernised version of a text which is predominantly Group I with interpolations from Group II—a phenomenon typical of mid-fourteenth-century manuscripts of this work. It is, in fact, a conflated text, as is that of the "Châtelaine de Vergy".[1] These considerations do not, however, detract from the interest and importance of this beautiful and carefully executed copy of these two great works of medieval French literature.

III

The short prose treatise at the beginning of Rylands French MS. 66 [2] is a dissertation on the nature, causes, characteristics and signs of love. It is anonymous and without title. The same work is found in one other manuscript, MS. 526 of the Bibliothèque Municipale at Dijon,[3] where it is followed by a short Latin account of the twelve signs of love and friendship,[4] the *Comment d'Amours* of Richard de Fournival,[5] the *Puissance d'Amours* [6] and the *Bestiaire d'Amours* or *Arrière Ban* [7] as it is sometimes styled, two more works of Richard de Fournival, the *Réponse du Bestiaire d'Amours*,[8] the *Roman de la Rose* [9] and other miscellaneous works, some of which are attributed to Baudouin de Condé.[10] In view of the fact that the first anonymous treatise of this manuscript, that which is found also in the Rylands manuscript, is similar in language, style and composition to the other prose works of Richard de Fournival, Langlois [11] was inclined to attribute it to him also. Moreover, in some

[1] *La Chastelaine de Vergi*, ed. F. Whitehead, Manchester, 2nd edition, 1951, p. xlv. [2] Ff. 2 col. i-4 col. ii. [3] Ff. 1 col. i-3 col. ii.
[4] Ff. 3 col. ii-3v. col. ii. [5] Ff. 4-11. [6] Ff. 11-20.
[7] Ff. 20-31. Edited by Célestin Hippeau, *Le Bestiaire d'Amour par Richard de Fournival suivi de la Réponse de la Dame . . . publiés pour la première fois d'aprés le manuscrit de la Bibliothèque Impériale*, Paris (Aubry), 1860 (*Collection des écrivains français du moyen âge*). An edition based solely on MS. B.N. fr. 412. A critical text based on all French manuscripts is to be found in J. Holmberg's edition of the Middle Low Franconian version, pp. 166–232. See below, p. 352, n. 4. See also *Histoire de Littéraire de la France*, Vol. XVI, p. 220, and *Notices et Extraits des Manuscrits de la Bibliothèque Nationale*, etc., Vol. V, pp. 277-78. [8] Ff. 31-38. [9] Ff. 38-157. [10] Ff. 157-161.
[11] "Quelques Oeuvres de Richard de Fournival", *ap. Bibliothèque de l'École des Chartes*, Vol. LXV (1904), pp. 101-15, esp. p. 103. See also the article by Paulin Paris in *Histoire Littéraire de la France*, Vol. XXIII, pp. 708-33.

manuscripts, works ascribed to Richard de Fournival in the Dijon manuscript are anonymous.

The treatise opens with the statement that ignorance concerning the nature of love has caused many to fall into sin. It is therefore necessary to define love, its origins and causes, and the means of keeping it alive. The author proceeds to quote definitions of love by Saint John, Cicero and Solomon, as well as citing other authorities. The eyes are the first cause of love, and then come speech and thought. Happiness, desire, hope and will all play their part in the engendering of love, which is nourished by eight virtues. These are listed, and authorities are quoted in support. He who possesses these eight virtues is indeed to be desired as a friend. He who has such a friend will never be lonely, and will never want, for such friendship enriches even the poorest, and calms those who are distressed. Love of this kind is a spiritual thing, and without price. Faith, intention, discretion and patience are the means of testing friendship. Friends must have no secrets from each other, and must be quite equal. The treatise closes with a list of the twelve signs of love. The author takes care to announce his subject and its divisions, and after treating each aspect of it, summarises what has been said. Numerous authorities are cited throughout, authorities such as Ovid and Solomon, Saint Ambrose, and Saint Augustin. Although pagan authors are frequently quoted, the tone of the treatise is thoroughly Christian, and it is a refreshing change from the many mediæval accounts of the conventions of " amour courtois".

There are indeed similarities of subject and of atmosphere between this treatise and the works of Richard de Fournival, who, in addition to those already mentioned, is the author of a *Consaus d'Amours*,[1] a *Biblionomia*,[2] that is a catalogue in Latin of the

[1] Edited by William M. McLeod, " The ' Consaus d'Amours ' of Richard de Fournival ", *ap. Studies in Philology* (University of North Carolina), Vol. XXXII (1935), pp. 1-21.

[2] " Biblionomia ms. M. Richardi de Furnivalle, cancellarii Ambianensis ", *Gallia Christiana*, Vol. X (1751), col. 1181c. See also *Hist. Litt. de la France*, Vol. XVII, p. 71, and Vol. XXIII, pp. 711-13, and the edition of *De Vetula* by Cocheris, p. xxi. The manuscript of this curious and interesting work is at present in the Library of the Sorbonne. See L. Delisle, *Le Cabinet des Manuscrits de la Bibliothèque Impériale*, Vol. II, Paris (1866), pp. 518–36.

municipal library of Amiens, whose nucleus may well have been Richard's own private library, a *De Vetula*[1] and various short love poems and songs.[2] The *Panthère d'Amours*,[3] an imitation of the " Roman de la Rose ", was also mistakenly attributed to him by the copyist of MS. B.N. fr. 24432. Of these, it is perhaps the *Consaus d'Amours* which has the closest relationship with our treatise. Both works discuss the same topics of love and friendship and both use arguments taken from the pagan writers and the Bible. There is a remarkable likeness in the way in which both support almost every argument advanced by a reference to some authority. Frequent verbal similarities may be noted between the two, many of which occur in passages which are nothing other than translated quotations from Cicero's *De Amicitia*. Perhaps a yet more convincing reason for attributing the work to Richard de Fournival is the fact that our text is mid-thirteenth-century Picard,[4] which was no doubt the language he used, for his home village of Fournival is between Amiens and Beauvais. The outline of his life is well known. He was the son of Roger de Fournival, physician to Philip Augustus, and of Elizabeth de Pertica. Before 1240 he had become a canon of the cathedral of Amiens, of which he later became chancellor. He was also a surgeon. He died on 1st March, 1260.[5] This ecclesiastical dignitary was

[1] *La Vieille ou les dernières amours d'Ovide, poëme français du XIVème siècle traduit du latin de Richard de Fournival par Jean Le Fèvre, publie pour la première fois* . . . par Hippolyte Cocheris, Paris (Aubry), 1861. This work has sometimes been erroneously attributed to Ovid. See also *Hist. Litt. de la France*, Vol. XXIII, pp. 708-33.

[2] Edited by Paul Zarifopol, *Kritscher Text der Lieder Richards de Fournival*, Halle a. S. (1904). This edition attributes twenty-one lyrics to Richard. See also the article by Paulin Paris in *Hist. Litt. de la France*, Vol. XXIII, pp. 708-33.

[3] *Le Dit de la Panthère d'Amours, par Nicole de Margival, poème du XIIIème siècle*, publié par Henry A. Todd, Paris (1883) (*Société des Anciens Textes Français*), p. xxvii.

[4] The forms *solaus, coses, ki, che, chou, louiaus, degrei, amistei, engenree, oeilg*, are merely a few of the Picard traits, of which many more may be readily noted. See M. K. Pope, *From Latin to Modern French*, Manchester (1934), §§ 1320-21.

[5] " Patria Ambianus Arnulfus, filius Elisabethæ de Pertica, Rogeri de Furnivalle, Ludovici VIII et Sancti Ludovici regum medici privignus, Theobaldi Rotomagensis archiepiscopi consobrinus Richardi de Furnivalle cancellari ecclesiæ Ambianensis ex matre frater, doctor erat theologus, quum anno 1227 interfuit conventui Parisiis apud Franciscanos habito, in quo theologi Parisienses post longam disputationem desinierunt neminem fine peccate mortali posse

also an expert in the theory of love—in the *Consaus d'Amours* he professes to answer a letter from his sister who wishes to know how *amer par amours*, and he defines love as *ardeurs de pensee ki gouverne le volenté du cuer* :[1] the *Poissance d'Amour* is a dialogue between Richard and a pupil on the subject *par coi ne de coi ne comment corages de femme est par force de nature esmeus en amour.* In the *Comment d'Amours* he explains *par examples d'amours et de chevaleries . . . comment il* (a lover) *se doit au commencement a sa dame acointier et comment il le doit requerre de s'amour.*[2] The love lyrics show that this theoretician could practise his teaching.

His work was popular. The *Bestiaire d'Amour* survives in several manuscripts, and was re-written in verse,[3] as well as being translated into Middle Low Franconian.[4] Although his writings have several times been described, no comprehensive published study and no complete modern edition exist.[5] The extent of his work, too, is still not completely defined, and although much has been attributed to him by earlier literary historians,[6] it is clear

habere duo beneficia, quorum alterum ad sustentationem est sufficiens ", *Gallia Christiana*, Vol. X (1751), col. 1184A-B.

[1] Ed. McLeod, p. 5, § 1, p. 6, § 3. [2] Dijon, MS. 526, f. 4, col. i.

[3] The verse form has been preserved in one manuscript as well as in a sixteenth-century printed edition. It has been recently edited by Artur Långfors, *Le Bestiaire d'Amours en vers*, *ap. Mémoires de la Société neo-philologique de Helsingfors*, Vol. VII (1924), pp. 291-317. Another modern edition has been prepared by Arvid Thordstein, *Le Bestiaire d'Amour rimé, poème inédit du XIIIème siècle*, Lund and Copenhagen (1941) (*Études Romanes de Lund, II*). See also *Hist. Litt. de la France*, Vol. XXXIV, pp. 632-33. Even during the middle ages the prose form of the *Bestiaire d'Amour* underwent remaniement and expansion by means of the addition of further creatures and examples. Such a version is to be found in MS. B.N. fr. 15213.

[4] *Eine mittelniederfränkische Übertragung des Bestiaire d'Amour, sprachlich untersucht und mit altfranzösischem paralleltext*, edited by John Holmberg, Uppsala (1925) (*Uppsala Universitets Årsskrift*).

[5] The work of Suzanne Vitte, *Richard de Fournival, Étude sur sa vie et ses oeuvres, suivie de l'edition du " Bestiaire d'Amours ", de la " Reponse de la Dame " et des " Chansons "*, mentioned in the *Bibliothèque de l'École des Chartes*, Vol. LXXXIX (1928), p. 439, has apparently not been published. Paul Meyer's note in the *Bulletin de la Société des Anciens Textes Français*, 1879, p. 74, only lists the manuscripts.

[6] E.g. Claude Fauchet, *Recueil de l'origine de la langue et poësie françoise, ryme et romans, plus les noms et sommaire des oeuvres de CXXVII poëtes françois vivans avant l'an MCCC*, Paris (Patisson), 1581, pp. 145-46 ; or La Croix du Maine et du Verdier, *Les Bibliothèques Françoises*, Vol. I, p. 266, Vol. V, p. 377.

that until the whole of his works, of which some are attributed to him only in the Dijon manuscript, are made available, it will be difficult to establish the limits of his literary activity. In the case of the treatise which we reproduce below, the most we can say is that there is nothing to disprove the suggestion made by Langlois that the work is that of Richard. It is almost certain that it is the work of a clerk. The acquaintance with the writings of the Church Fathers, as well as those of the pagan authors, would suggest this. It is significant that the most frequently quoted of all authorities by the Old French writer is Saint Ambrose, and, furthermore, that most of the quotations are from a single chapter, the twenty-second of Book III of *De Officiis Ministrorum*.[1] Not all of the quotations are attributed to this source in the Old French, many of them are designated as sayings of " Le Sage " or " Le Philosophe ", though such is clearly not the case. The chapter on friendship in Saint Ambrose opens by discussing the problems of conflicting loyalties, and then proceeds to define the nature, duties and characteristics of friendship. The plan of the chapter is very similar to that of the Old French treatise, and both lead up to the sayings on friendship quoted in the Gospel of Saint John. The conclusion of the French treatise, it is true, differs from the Latin in that it partially resumes all that has preceded in the twelve signs of love. Saint Ambrose himself used the work of Cicero, thus some of the quotations from the *De Amicitia* may have found their way into the French text through the medium of Saint Ambrose. This is not true of all of them, however, and it is a curious fact that most of the references to Cicero which cannot have reached our treatise in this way are found also in the *Consaus d'Amours*.[2] The similarities between the anonymous treatise and the other prose works of Richard de Fournival may of course be explained as being coincidences, as caused entirely by the similarities of the subject, for it would not be surprising if two writers, both trained in the same manner, should, when dealing with the very popular medieval topic of love, draw upon the same sources, and produce very similar results. It is, however, rather striking that in the majority of cases in which there is close

[1] Migne, *Patrologia Latina*, Vol. XVI, cols, 190-94.

[2] See notes to lines 11, 151 of the Appendix.

agreement between the *Consaus d'Amours* and our treatise, it is when there is a departure from the text of Saint Ambrose. It would be strange if a medieval author were to abandon his ecclesiastical source in order to quote a part of Richard's translation of the *De Amicitia*. The more satisfactory explanation is of course that Richard wrote both Old French treatises. Linguistic considerations too, point to the fact that the treatise in the Rylands and Dijon manuscript may well be attributed to Richard de Fournival, but until further evidence should come to light, this attribution must remain merely probable.

Appendix

The text printed below is that of Rylands French MS. 66, transcribed with the minimum of change. Only in those cases in which it is clear that the scribe has erred, as for example in the first few lines where a group of words has fallen through homoeoteleuton, has the editor intervened. All such emendations and departures from the base text are placed within square brackets. Rejected readings are to be found in the Variants, and are preceded by the siglum *R*. The Variants from the Dijon manuscript are indicated by means of the siglum *D*.[1] Punctuation and paragraphing are, for the sake of clarity, in accordance with modern usage, although the treatise is partially punctuated in both manuscripts and paragraph marks are very frequent. Other changes are the differentiation of " i " and " j ", " u " and " v ", the use of the acute accent to distinguish final accented " e " from " e " feminine, of a tréma to denote vowels in hiatus, and of the cedilla to indicate " soft c ". All but the purely orthographical variants are given, and many of the quotations are identified and their original form indicated in the footnotes, which also include some of the parallel passages from the *Consaus d'Amours*.

On [2] voit souvent aucunes gens de diverses manieres ki par nature sont espris de si noble virtu comme d'amours, ki ne seivent nekedent c'amours est, s'en usent par non savoir et par fole acoustumanche [autrement qu'il ne doivent par faute de cog-
5 nissance] ; et niche [apresure] fait l'omme caoir mainte fois de

[1] I am indebted to the Bibliothèque Publique of Dijon as well as to the Institut de Recherche et d'Histoire des Textes in Paris for having supplied me with photographs of MS. 526 of the library of Dijon.

[2] *R* f. 2 col. i ; *D* f. 1 col. i.

1 *D* diverses condiconns qui. 4-5 autrement—cognissance *not in R.* 5 *R* niche des apres faire fait ; *R* loume *with* ' *u* ' *expunged and nasalisation of* ' *o* ' *indicated.* 5-6 *D* fait maintes fois cheir loume de vertu ou vice.

virtu en vice. Si voel a brief mos descrire et par raison demoustrer k'est amours, et dont ele est engenree, et de quele virtu ele doit estre nourrie, selonc chou ke j'ai apris de divers aucteurs. Amours est selonc le Philosophe concordances de diverses volentés [de dois] esperis acordans a toutes coses humainnes sans departie.[1] A chou s'acorde Salemons qui dist : " Tous tans aime ki amis est, et sans fin ".[2] Et messires Sains Jehans li Ewangelistes dist : " Amours ki defaut ne fu onques vraie, car vrais amis ne peut fauser,[3] jasoit che k'on li fache de durteis a souffrire ; et s'il fause chou k'il aime, s'amistés ne fu onques vraie, car amours est si loiale en soy meismes c'a toutes les necessités de son ami s'aploie, et conferme en tout souffrir ".[4] Et plus grieve au loial amant li compassions k'il a de son ami quant chose a ki li grieve, k'il ne fait [a] celui ki le seuffre. Dont est amours moult noble virtus, et loiaus sour toutes choses. Aucuns metent autres diffinicions [5] en amours, et dient : "Amours est druerie de pensee, estraigne privautés, amonestemens de courtoisie, invisible possessions, pais sans repos, amissions de maniere, bataille sans haine, grevanche (f. 2 col. ii) plaisans, puis

[1] Cf. *Consaus d'Amours* : " Tulles . . . dist . . . amours est consentemens en boine volenté et en carité de toutes coses devines et humaines " (Ed. McLeod, p. 7, § 6). Cf. Cicero, *De Amicitia* : " Est enim amicitia nihil aliud nisi omnium divinarum humanarumque rerum cum benevolentia et caritate consensio" (20 vi. 20).

[2] Prov. xvii. 17, " Omni tempore diligit qui amicus est " (*Biblia Sacra, Vulgatae editionis* . . . Paris, 1922).

[3] This is a reflection of St. Jerome : " Amicitia quae desinere potest vera nunquam fuit " (Migne, *Patrologia Latina*, Vol. XXII, col. 335).

[4] St. Ambrose, *De Officiis Ministrorum, Liber III, Caput XXII*, § 128 : " Etenim si amici secundae res amicos adjuvant, cur non et in adversis amici rebus amicorum adjumentum suppetat ? " (Migne, *Patrol. Lat.*, Vol. XVI, col. 191B).

[5] *D* mettent au—(f. 1 col. ii)—tre diffinicion.

6-7 *D* demoustrer ke est. 7 *D* ele (vient) (*expunged by scribe*) est engenree ; *D* queles vertus. 9 *D* le prophete. 10 de dois *not in R* ; *D* accordans en toutes. 10–11 *D* sans departies et a chou. 14 *D* chou ke on ; *D* face moult de. 15 *D* aimme pour chou samistie ne fu. 17 *D* en tous souffrirs. 18 *D* grieve a loial. 19 a *not in R*. 20 *D* loiaus sus toutes. 21 *D* aucun mettent autre diffinicion en amour. 22 *D* est deruerie de. 23 *D* possessions ou passions ; *D* repos aministrations de. 24-25 *D* pais de soutiuete.

de soutieutei, yweile a tous, et nului deportans.[1] Or avés oÿ k'est amours, si devés savoir dont ele est engenree". Ch'est par regart, dont Tulles dist: "Regars est li premier degrei pour monter a le perfection d'amistei, car quant li oel s'abandonnent au regarder, il denonchent au ceur l'ocoison de son enbrasement".[2] Li secons degrés est parole, dont Panphiles dist: "Douche parole engenre l'amour ke proeche ne peut conquerre". Et Ovides dist: "Ulixes ne fu mie biaus, mais il fu enparles".[3] Li tiers degrés est pensee, car quant les paroles sunt dites et oïes, penseir convient as paroles oïes, et penseir a chascune selonc son droit, s'eles sont douches ou ameires, [dures] ou confortans, ou deboinaires ou felenesses, et selonc chou par sens et par avisement sequerre le pour siewir, car pensee d'amant est ausi comme li fontaine sourians ki tous tans plaine demeure, et adés s'en ceurt. Li quars degrés est plaisanche, et est engenree par pensee delitant, car se li pensers ne plaist, li amours n'est mie fermement conchute. Li quins degrés est desirs, car desirs n'a point de repos, ains convoite adés a savoir les biens et les virtus ki apartienent au vrai amant, dont li Sages dist: "Ceur amoreus doit tous tans

[1] Cf. *Consaus d'Amours*: "Amours est une foursenerie de pensee, fus sans estaindre, fains sans soeler, cous mals, boine douchours, plaisans folie, travaus sans repos, et repos sans travel" (ed. McLeod, p. 9, § 11).

[2] This is a commonplace of the courtly doctrines of love. Cf. *Consaus d'Amours*: "Nepourquant la droite voie d'amours sont li oeul, car ce sont les fenestres dou cuer, et ont lor racines u cuer, ne li oeul ne pueent pas si mentir con fait li bouce, dont quant il avient que ciex ki aime gete les regars amourous vers celi qu'il aime se li cuers de celi est dignes de concevoir amours en soi, par se noblece seo vaint et aperçoit l'amour ki le semont et le reçoit en soi sans refuser, car nus boins cuers ne puet refuser a herberger amours en soi.

"En tel maniere que vous oés, l'amour ki vient des iex de l'un entre par les iex et se conçoit u cuer de l'autre. . . ." (ed. McLeod, p. 14, §§ 22-23).

[3] Ovid: "plus quam facundus Ulixes" (*Heroides*, III, 129), "ubi nunc facundus Ulixes" (*Metamorphoses*, XIII, 92), etc.

25 *D* ke est. 26-27 *D* engenree premierement amours est engenree par resgart et regars est. 28-29 *D* oeilg donnent un resgarder. 30-31 *D* degres si est parole encitee et engenre. 31-32 *D* conquerir ovides. 32 *D* biaus et si fu. 33 *D* degres si est pensee; et oies *not in D*. 34 *D* oyes et peser cascune. 35 *D* se eles; dures *not in R*. 35-36 *D* con fortans debonnaires. 39 *D* degres si est. 40 *D* li puisers ne; *D* mie contenue fermement. 41 *D* degres si est; *D* desirs et naist de plaisance car loiaus desirs na point. 42 *D* les buns et; *D* a vrai. 43 amoreus *not in D*.

desireir les virtus par les [1] queis on peut a parfaite joie venir ". Li sisimes degreis est esperanche, ki est engenree par delitant desirier, selonc che ke li Sages dist : " Nus ne doit desirier chou qu'il n'ose espereir ". Mais esperanche est a pluseurs aventureuse, se— (f. 2v. col. i) —lonc le dispossission de fortune, dont Panphiles dist : " Esperanche refait souvent son signour, et souvent le dechoit ".[2] Et li Sages dist : " Ferme esperanche abonineurist le cose desiree, et donne au feule vigeur et perseveranche de souffrir ". Li septimes degrés est volenteis, car par boene volentei de souffrir les contrarietés des amis k'il esteut souffrir, ains k'il ait les degrés ; par mainte fois avient souvent c'amours l'amant enrichist de don d'amie ains k'il l'ait deservi. Et s'amours li fait grace ains terme, dont doit l'otroi resoignier, car a l'escondit a recouvrier au loial amant, mais li otrois est fors a rapeleir, pour chou doit volenteis bien estre esprovee.

Or aveis oÿ comment amours est engenree ; s'est profis de savoir des queis virtus on le doit nourir, et de connoistre chiaus k'on veut retenir en amour et en privee familiarité. Voirs est, selonc ke messires Sains Jehans li Ewangelistes dist,[3] nous devons ovrir les entrailles de nos ceurs a nos proismes, et Ysaies dist que nous metons nos proesmes en l'ostel de nos ceurs,[4] et sans difference. Voirs est que nous devons ameir nous proesmes par pitié et par compassion, mais Salemons dist en Cantikes c'on doit tres pau de gens meneir en l'osteil de son ceur. Se tu veus avoir dont especial amistei a aucune persone, preng garde ke tu le

[1] *D* vertus /(f. 1v. col. i)/ par les.

[2] Pamphilus, *De Amore*, v. 16 : " Spes reficit dominum, fallet et ipsa suum ".

[3] John xiii. 34, " Ut diligatis invicem ".

[4] Is. xli. 6 : " Unusquisque proximo suo auxiliabitur ". Cf. St. Ambrose, *op. cit.*, § 128 : " Aperi pectus tuum amico " (Migne, *Patrol. lat.*, Vol. XVI, col. 191A).

44 *D* par les queles. 45 *D* degres si est. 45-46 *D* par desir selonc le sage qui dist. 47 *D* qui ne loist esperer. 49 souvent *not in D.* 50-51 *D* esperance aboinieurist. 52 *D* degres si est. 54 *D* ains ke on ait. 54-55 *D* par montes avient il souvent kamours lenrichist dou don. 55 *D* quil ait. 56 *D* et amours ; *D* terme dame doit. 57 *D* escondit recouvrir a loial. 58 *D* chou doit estre volentes bien esprouvee. 59 *D* si est. 60 *D* de queles. 61 *D* ke on. 62 *D* selonc chou ke. 63-64 nos proismes— nous metons *not in D* (*homœoteleuton*). 66 *D* ke on. 67-68 *D* vels dont avoir especial. 68-69 *D* ke tu lesprueves.

pregnes en uit virtus ke loial amant doivent avoir, anchois / (f. 2v. col. ii) / que tu en faches especial amistei; et s'il a ches virtus[1] en li, seurement le maine en le [privauté] de ton cuer par especial amistié.

Li premiers virtus est sens, car amistei de fol est tost mues [et cangié], et fait de ligier de son ami son anemi; dont Tulles dist: "Il n'est nule si grant honte ke de fauser chelui avoeckes qui on a vescu familiairement, car amours desordenee ne peut venir a autre fin k'en pechié ou en discorde".[2] Li seconde virtus est bontés, car mauvais ne seit estre amis, dont Tulles dist: "Je sai bien c'amours ne puet durer entre les mauvais,[3] [et] comment porroit il estre amis ki n'est amis en veritei?" Ensi ke Sains Augustins dist: "Nus ne seit a droit amer l'un l'autre s'il n'aime anchois chelui qui l'omme fist".[4] Et de chou vient que li loiens d'amours est plus fors et plus durans entre les boins k'entre les mauvais. Le tierche virtus est deboinareteis, car Salemons dist en Proverbes [5] ke li ireus est ausi comme li tisons

[1] *D* ces vertus /(fo. 1v. col. ii)/ en lui.

[2] Cf. Cicero, *De Amicitia*: "Nihil enim est turpius quam cum eo bellum gerere, quocum familiariter vixeris" (xxi. 77).

[3] Cicero, *op. cit.*: "Sed hoc primum sentio, nisi in bonis amicitiam esse non posse" (18 v. 5, and 65 xviii).

[4] Cf. St. Augustine, *Sermo CXXV*, § 7: "Qui amat sæculum, amare Deum non potest . . . Non occupetur amor tuus quo potes ad Deum tendere, et inhaerere ei qui te creavit" (Migne, *Patrol. Lat.*, Vol. XXXVIII, col. 694); and St. Ambrose, *op. cit.*, §132: "Non potest enim homini amicus esse, qui Deo fuerit infidus. Pietas custos amicitia est" (Migne, *Patrol. Lat.*, Vol. XVI, col. 192A-B). Cf. also *Consaus d'Amours*: "Il [Cicero] nous dist des devines et des humaines coses ensamble car nous ne poons avoir amour en Nostre Segneur tant que nous avons haine contre nul homme, ne nule autre amours ne puet estre pourfitaule sans l'amour de Diu. Et de ceste autre amour parolent bien en lor livres S. Jehans li Evangelistres et maint autre saint. Et je n'en parlerai ore plus, ains me voel traire em la mater[e] pour coi j'ai ceste oeuvre commencié" (ed. McLeod, p. 8, § 6).

[5] Prov. xvi. 27: "Vir impius fodit malum, et in labiis eius ignis ardescit", and xv. 18: "Vir iracundus provocat rixas", similarly *id.*, xxix. 22.

69 *RD* viij. 69-70 *D* avoir avant ke tu. 70 *D* especial ami. 70-71 *D* en lui. 71 *R* pivanche. 73 *D* li premerainne vertus si est sens. 74 et cangie *not in R* (*homœoteleuton*). 75 *D* nule-plus grans honte. 77 fin *not in D*. 78 *D* vertus si bontes. 79-80 *R* mauvais he comment. 80 il *not in D*. 80-81 *D* verite aussi comme dist sains augustins. 81-82 *D* amer home sil. 82 *D* naimme avant celui. 83 *D* loiens damis est. 83-84 *D* fors entre les boins et plus durans kentre. 84 *D* vertus si est. 85 ke *not in D*.

ardans qui brule tous chiaus qui l'atouchent, et ausi comme li bos espineus qui point tout chiaus qui l'enbrachent ; nequedent fait il amer selonc les communes creatures, mais les familiariteis fait a eskiever, car li loiens d'amours seroit tost bruleis par le fu d'ire, et envenimee par le pointure de felenie. Li quarte virtus est humilités, car orguilleres ne seit estre compains, ains veut tous tans moustrer signourrie, et quide adés miex (f. 3 col. i) valoir ke chiaus qui asseis mieus sont de lui ; et teis ne seit estre compains ne amis, car amours porte yweileté,[1] et samble al humele qui quide que chascun soit mieudre de lui, dont Sains Jehans dist : "Amours ou ele se prent fait tout ywel, pour chou ne puet ceur orguilleus loiaument [2] amer, ains est acceptables a tenches et a laidaeignes", ausi ke escrit est en Proverbes.[3] Le quinte virtus est loiautés, car loiaus ceurs maintient amours ausi bien en tans d'aversitei k'en prosperitei, dont li Sages dist : "Tous tans ayme qui loiaus amis est".[4] Toutes fois a tel ami n'a nule comparison, ensi ke escrit est en Cantikes : "Loiaus amis n'a son pois n'en or n'en argent",[5] car loiaus amis [aimme tous tamps, et nommeement aprés la mort, che ne fait ors ne argens. Et dist li Sages en Cantiques : "Loiaus amis est medecine de vie",[6] et dist encore, "Loiaus amis] garde ausi bien le vie espirituele ke le

[1] Cf. Cicero, *op. cit.* : "Sed maximum est in amicitia superiorem parem esse inferiori" (xix. 69), and St. Ambrose, *op. cit.*, § 128 : "Amicitia enim nescit superbiam", and § 132, "et [amicitia] aequalitatis magistra. . . . Inter dispares enim mores non potest esse amicitia" (Migne, *Patrol. Lat.*, Vol. XVI, cols. 191A and 192B).

[2] *D* amer /(f. 2 col. i) loiaument ains.

[3] Prov. x. 12 : "Odium suscitat rixas : et universa delicta operit charitas".

[4] Prov. xvii. 17 : "Omni tempore diligit qui amicus est". *Cf.* Jean de Meun, *Rom. de la Rose*, v. 4930, "Toujourz aime qui est amis".

[5] Prov. xxii. 1 : "Super argentum et aurum, gratia bona".

[6] Cf. St. Ambrose. *op. cit.*, § 128 : "Fidelis enim amicus medicamentum est vitæ" (Migne, *Patrol. Lat.*, Vol. XVI, col. 191A).

87 *D* embracent nepourquant fait. 88 *D* il a amer ; *D* le familiarites. 90 *D* vertus si est. 91 *D* car orguilleus. 91-92 *D* tous jours moustrer sa signourie. 93-94 *D* chilg qui trop miex valent de lui et tels ne seit estre amis car amours. 94 *R in text* ki dient, *corrector's note in margin* : qui quide. 94-95 *D* samble a lui ke cascuns soit mieudres. 96-97 *D* orguilleus amer loiaument ains. 98 *D* aussi comme il est escrit en ; *D* vertus si est. 100 *D* ke de prosperite. 100-101 *D* qui amis est une fois a teil ami na. 102 *D* aussi comme il est escript en cantiques. 103 *R* nen en argent. 102-103 *D* na or na argent. 103-106 aimme tous—loiaus amis *not in R* (*homœoteleuton*). 106 *D* espirituele comme le.

temporele ". Li sisimes virtus est cremeurs, car amours ne peut estre sans cremeur, mais cremeurs peut estre sans amour, dont Sains Augustins dist : " Se li hom ne commenche par cremeur, il ne peut parvenir a vraie amistei, car nature d'amistei est si franke en lui meisme k'ele ne se donne en nul ceur, s'il n'est cremeus de courechier celui a qui il a si grant cose donnei comme son ceur, par l'umilitei de vrai amour ". Dont Senekes dist : " Tous tans crient qui loiaus amis est ". Li septimes virtus est patienche, car ausi que Sains Augustins dist : " Savoirs ne treuve lieu ou patience n'abite ". Et si dist li Poetes : " Patience est noble virtus de vaincre aspretés dont a a souffrir par patience/(f. 3 col. ii)/et especiaument de ton ami ".[1] Car ausi que li Sages dist : " Miex valent aspres paroles d'ami ke blandes de flateur ".[2] Grans amistés est de reprendre son ami en ses defautes, et le doit on asprement reprendre au commenchier pour esprouver sa patience, et puis quant patience i est trouvee, courtoisement et douchement enseignier.[3] Li witisme virtus est courtoisie, ki son lieu tient en toutes les autres vertus, et par li sont toutes virtus enluminees, et plus font a prisier les courtoisies du ceur honeste que les courtoisies d'avoir, car courtois

[1] Cf. St. Ambrose, *op. cit.*, §129 : " Si necesse est, toleremus propter amicum etiam aspera. . . . Sed ut in adversis amici patientia et tolerantia necessaria " (Migne, *Patrol. Lat.*, Vol. XVI, col. 191B).

[2] Prov. xxvii. 6 : " Meliora sunt vulnera diligentis, quam fraudulenta oscula odientis ", and *idem.*, xxviii. 23 : " Qui corripit hominem, gratiam postea inveniet apud eum magis quam ille, qui per linguæ blandimenta decipit ". Cf. also Cicero, *De Amicitia* : " nam et monendi amici saepe sunt et obiurgandi, et haec accipenda amice, cum benevole fiunt " (xxiv. 88).

[3] *D* courtoisement /(f. 2 col. ii)/ enseigner.

107 *D* vertus si est. 107-108 *D* puet bien estre. 110 *D* il ne ne puet. 111 *D* ke ele ; *R* sadonne *corrected to* se donne. 111-112 *D* ne sadoune a nul cuer si nest cremeteus de. 113 *D* par lamistie de vraie amour. 114 *D* qui vrais amis est. 115 *D* vertus si est ; *D* aussi comme dist sains augustins. 116-117 *D* liu ou patience est noble vertus est de vaintre se tu vels vaincre apren dont a souffrir. 118-119 *D* aussi comme dist li sages. 119 *R* damir ; *R* blankes *corrected to* blandes ; *D* blances paroles. 120 *R* Nota *against this line.* 121 *D* au commancement pour. 122-123 *D* se patience i est trouvee et courtoisement enseignier. 123 *D* li witime vertus si est. 124 *D* qui son liu tient entre les autres vertus. 125 virtus *not in D.* 125-126 *D* courtoisies del cuer. 126 *D* courtoisies del avoir. 126-127 *D* courtois cuers ne.

ceur ne daigneroit vilenie penseir, et doit courtois ceurs avoir volentei de son ami aydier esperituelment et corporelment sans faintise et sans escusanche.

Or avés oï briefment les uit vertus que chascuns loiaus amans doit avoir en lui selonc son pooir. Bien le doit on tenir a ami qui ches uit poins a en li, et mout fait a desireir teiles amistés, car ausi k'escrit est: "Nule cose sent on plus douchement, nule cose ne desire on plus saintement, nule cose ne regarde on plus profitaulement, car chis qui est sans amis n'a a qui il puist avoir confort de ses grevanches, ne a qui il puist descouvrier les secrés de son ceur et de sa conscienche". Seuls est ki est sans ami ou amie, car s'il chiet, il n'a qui le relieve. Mout est grant seurtés d'avoir loial ami a qui on ose parleir et descouvrir les secrés (f. 3v. col. i) de son ceur ausi fiaublement comme soi meisme, et conseil prendre li un a l'autre en tout leur afaire, en prosperitei et en adversitei, esperituelment et corporelment.[1] Quel cose fait plus a desireir ke si faites amistés, car li vertus de vraie amisteis est selonc le Philosophe ki dist que li ami ki departi sont corporelment sont souvent ensamble esperituelment; souvent avient qui li povre en devient rike, li feule virtueus, et donne pais as despaisiés, et as malades medicine.[2]

[Or avés oï] comment amours est engenree, et comment on le doit nourir. Et sachiés que chil ki veulent osteir l'amour des ceurs as vrais amans sont ausi, che dist le Philosophe, comme

[1] St. Ambrose, *op. cit.*, § 131: "Solatium quippe vitæ huius est, ut habeas cui pectus aperias tuum, cum quo arcana participes, cui committas secretum pectoris tui; ut colloces tibi fidelem virum, qui in prosperis gratuletur tibi, in tristibus compatiatur, in persecutionibus adhortetur" (Migne, *Patrol. Lat.*, Vol. XVI, col. 192A). [2] medici—/(fo. 2v. col. i)/—ne Or.

128 *D* espirituelment et temporelment sans. 130 *D* oi a bries mos les; *RD* viij. 131 le *not in D.* 132 *R* viij. 131-132 *D* ami celui qui ce vertus a en lui. 133 *D* comme il est escript; *D* cose ne sent. 134-135 *D* ne garde on plus pourfitablement. 135 *D* car chile qui est sans ami na ou il puist. 136 *D* ni a cui. 137 *R* son *corrected to* sa; *D* cuer ne de se conscience. 138 *R* Nota *against this line.* 137-138 ou amie *not in D.* 139 *D* de avoir un ami. 139-140 *D* le secre de son. 140 *D* comme a soi; 142-143 *D* quels cose. 143 *D* faite amisties. 144 *D* le prophete. 144-145 *D* qui soient departi corporelment. 145 souvent *not in D.* 146 *D* li plus povres en. 148 *R* exemple comment. 150-151 *D* aussi comme chilg qui voelent oster la lumiere dou monde car aussi comme li solaus.

chil qui veulent osteir le lumiere du monde,[1] car ausi ke li solaus est lumiere au monde, ausi est amours lumiere a le vie humaine. Mais je ne tieng mie a vraie amour, s'il i a cose deshoneste, faintise, n'atente de bien temporelment, car vraie amours est si povre qu'ele ne quiert en guerredon ke soi meisme. Amours ki vient par carnel convoitise mondaine est fause et pau durans ; dont Sains Ambrose dist : " Amours n'est mie acatee, ains est franke et simple virtus. Ele n'est mie aquise par avoir, ains vient par grace." [2] Nus n'est amis vrais ki defaut pour peryl ne pour grevanche, ne pour nule adversitei, dont nous trovons exemple ou Livre des Roys de David, comment uns siens amis li dist quant il fuioit son filg Absalon : " Sire, dist il, che fache Diex, n'a mort n'a vie je ne/(f. 3v. col. ii)/vous faurai ".[3] Il amoit miex a fuir et tout laisier pour aler en peril de mort avoec son ami k'estre en gloire avoec Absalon.

On doit au commenchier eslire son ami, aprés le doit on esprouveir, et dont primes retenir et rechevoir en son cuer. Quatre choses sont par les queles on peut esprouver vraie amours. Ch'est par foy, par intencion, par discrecion, et par patience : par foy c'on puist croire son ami de tout son cors, et de tout son avoir, sans soupechon : par intencion, ke nule cose fors l'amours de chelui qui on aime ne veulle on aquerire ne convoitier : [4] par

[1] Cf. Cicero, *op. cit.*, : " Solem enim e mundo tollere videntur ei qui amicitiam e vita tollunt, qua nihil a dis immortalibus melius habemus, nihil iucundius " (47, xiii. 46), and *Consaus d'Amours* : " Tulles . . . : dist ' Cil tolent bien le soleil et la clarté du monde ki tolent amour et amistié " (Ed. McLeod, p. 7, § 5).

[2] Cf. St. Ambrose, *op. cit.*, § 133 : " Virtus est enim amicitia, non quæstus : quia non pecunia paritur, sed gratia " (Migne, *Patrol. Lat.*, Vol. XVI, col. 192c).

[3] 2 Kings xv. 21 : " Vivit Dominus, et vivit dominus meus rex ! quoniam in quocumque loco fueris, domine mi rex, sive in morte, sive in vita, ibi erit servus tuus ".

[4] *D* acquerre ne convoi—/(f. 2v. col. ii)/—tier par.

152 *D* est vraie amours. 153-154 *D* mie amour a vraie sil i a deshouneste faintise. 154 *D* bien temporel car. 154-155 *D* est si povre et si fine ke ele ne quiert. 156 *D* carnele ou mondainne convoitise est. 157 *D* ambroises dist ; *D* mie achatable. 159-160 *D* vrais qui pour grevance ne pour perilg ne pour nule adversite le puet retraire damours dont. 161 *D* exemple *not in D* ; *D* el livre. 161-162 *D* amis quant il fuioit absalon son filg sire. 163 *D* dius ke na mort ne a vie je ne. 164-165 *D* perilg avoec son ami ke estre. 166 *D* au commenchement eslire. 169 chest *not in D*. 170 *D* ke on ; tout *not in D* ; tout *not in D*. 171-172 *D* lamour de celui.

discrecion, ke on sache quel cose faire et quel cose laisier pour son ami en coy reprendre, ke on sache atendre tans et lieu, point et mesure, de parler et d'envoyer a son ami : par patience, se ses amis mesprent [en aucune maniere ke on largue belement, se ne doit on mie son cuer retraire de son ami pour chou s'il mesprent] doi fois ou troi, ne s'il en est coustumiers, on le doit douchement et courtoisement reprendre et secreement castoier et enseignier, et ne ne doit mie son ceur pour chou retraire de son ami, s'il n'en est acoustumiers, car nus n'est si parfais ki a le fois ne mesprengne. Quant amours est si afermee, on le doit nourir des virtus desseure dites en grant diligence par maniere ke toute soupechon en soit ostee, car ch'est li venins ki estaint et ochist le pais et l'amour entre les amans, et pour chou doit on toute bontei croire de son ami ; et on ne doit nule deshoneste cose et nul pechié desireir ne con—(f. 4 col. i)—voitier, ains soient en amour nourri, de si honeste maniere, si ke leur paroles soient adés joians, lor costumes deboinares, lor gieus sans vilenie, lor maintieng honestes, et l'une volentei et l'autre apareillié sans dechevanche, si que d'un meisme voloir et desvoloir soit ferme et parfaite li amisteis. Nostre Sire nous moustre d'amistei le droite fourme, la [ou] il dist : " Vous estes mi ami, se vous faites che que je vous commande ".[1] Et si dist ailleurs : " Je ne vous clamerai pas mes sers, mais mes amis, car je vous ai tout dit quant que j'ai oÿ de mon peire ".[2] Ensi doit vrais amans tenir cheste fourme, car

[1] John xv. 14 : " Vos amici mei estis, si feceritis quæ ego præcipio vobis ".

[2] *Idem*, xv. 15 : " Iam non dicam vos servos, quia servus nescit quid faciat dominus eius. Vos autem dixi amicos, quia omnia quæcumque audivi a Patre meo, nota feci vobis." Cf. also St. Ambrose, *op. cit.*, § 135 (Migne, *Patrol. Lat.*, Vol. XVI, col. 193A-B).

173 *D* sache ke faire ; *R* sache quel cose faire et quel coise faire. Et quel cose faire *expunged by copyist.* 174 *D* ami en quoi loer en quoi reprendre et ke on sace ; *D* lui et point. 176-177 en aucune—pour chou k'il mesprent *not in R* (*homœoteleuton*). 177 *R D* ij. 178 *R D* iij ; *D* s'il nen est. 178-181 on le doit—acoustumiers *not in D* (*homœoteleuton*). 181 *D* ke a le. 182 si *not in D* ; *D* vertus dessus. 183 *D* diligence si ke toute souspechons. 185-187 *D* amans nul mal ne doit amans croire de son ami ne pechier ne convoitier ains. 187-188 *D* en amour—paroles soient *not in D* (*homœoteleuton*). 190 *D* et li une volentes a lautre ; si *not in D.* 191 et parfaite *not in D.* 192 *D* nostres sires nous demoustre de amistie ; ou *not in R.* 193 *D* chou ke je. 193-194 *D* vous ai commande. 194-195 *D* clamerai mais sers mais mes. 195 *D* dit quanques jou ai oi. 196 *D* vrais amis tenir.

il doit faire volentiers les commandemens de son ami, et apareilliement, et descouvrir tout le secrei de son ceur par fianche d'amistei, car nous secreis devons nous descouvrier a nos amis, et devons faire leur volentei, che nous dist Sains Ambroses,[1] et qui chou faire ne veut,[2] il n'est mie vrais amis, ains porte rachine de mauvaise soupechon ou il ne croit autre ki teus se sent ke creus ne doit estre.

Li premiers signes d'amours est ke li loiaus ceurs ne peut riens cheler vers son ami. Li secons est ke ceurs qui s'entr'aiment ne doivent avoir couverture, n'en fais, n'en dis. Li tierch est k'on doit laissier se volontei pour le volentei de son ami. Li quars est k'il ne souffist mie s'on laise se volentei pour le volentei de son ami, se on a plus d'affection de chele volentei lassier dont ses amis li prie, ke du faire ./(f. 4 col. ii)/. Li quins est quant amours est affremee, ele ne peut a autrui acompaignier. Li sisimes est c'amans ne peut estre aisé, s'il n'est avoeckes chou qu'il aime espirituelment ou corporelment. Li septismes est que li un ceurs doit estre garde de l'autre, selonc le Sage qui dist: "Autant vaut amis que garde du ceur". Li witismes est ke doi ceur [ki] s'entr'amment deivent estre contei pour un. Li neufismes est ke quant cuers a a souffrir pour son ami, liement et

[1] Cf. St. Ambrose, *op. cit.*, §135: "Dedit formam amicitiæ quam sequamur, ut faciamus amici voluntatem, ut aperiamus secreta nostra amico quæcunque in pectore habemus, et illius arcana non ignoremus. Ostendamus illi nos pectus nostrum, et ille nobis aperiat suum" (Migne, *Patrol. Lat.*, Vol. XVI, col. 193A-B).

[2] *D* faire ne /(f. 3 col. i) velt.

198-199 *D* descouvrir toute le fianche de son cuer par le secre damistie car. 201 il *not in D.* 202-203 *D* autrui pour chou ke teil se sent ke. 203-204 *D* estre vees ichi les xij signes de vraie amour Li. 204 *D* premiers signes de vraie amour si est li loiaus cuers qui ne. 205 *D* secons signes si est ken cuers qui. 206 *R corrector's hand has added* vent; *D* ne doit; *D* ni en dis ni en d (*expunged by scribe*) fais. 206-207 *D* li tiers signes si est ke on. 207 *D* se propre volente; de *not in D.* 207-208 *D* li quars signes si est. 208 *D* souffise mie se on laist. 209 *D* volentei son; *D* se on na plus. 210-211 *D* li quins signes si est ke quant. 211 a *not in D.* 211-212 *D* acompaignier ke son amant li sisimes signes si est ke amans ne. 212 *D* estre a aise. 213 *R* espirituelment *has been added by the corrector*; *D* aimme ou corporelment ou espirituelment; *D* li septimes signes si est. 215 *D* amis comme garde de cuer; *D* li witimes signes si est. 215-216 *R* ke quant doi. 216 ki *wrongly expunged in R*; *D* qui bien sentraimment. 216-217 *D* li noevimes signes si est. 217-218 *D* ami kil le doit souffrir liement et en pais.

en pais le sueffre. Li disisme est c'on doit resoignier de courechier son ami. Li onzisme est k'en vraie amour ne doit avoir refroidement, ains doit amours croistre de plus en plus. Li douzismes est c'amis ne doit mie atendre le pryere[1] de son ami, s'il aperchoit de quoi il a mestier. Che sont les signes d'amours que chascuns vrais amans doit sentier en luy meisme, ou il n'est mie parfais amans, ne acceptables en amour : je proie avoec le Philosophe : *Non gratos de muentis, sed veniam de onustis.*

[1] *D* le pri—/(f. 3 col. ii)/—ere de son.

218 *D* li disimes signes si est ke on doit molt ressoignier. 219 *D* li onsimes signes si est ke en. 219-220 *D* avoir point de refroidement. 220 *D* doit vraie amours croistre. 220-221 *D* li dousimes signes si est ke amis. 222 *D* il a y (y *expunged by scribe*) mestier. 222-223 *D* li signe de vraie amour ke cascuns vrais. 224 *D* amans ni acceptables en amours explicit. (*End of D*).

SOME OBSERVATIONS ON THE DAMASCUS DOCUMENT AND THE DEAD SEA SCROLLS

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AT a very early stage in the discussions relating to the Dead Sea scrolls [1] attention was drawn to the affinities which obtain between them and CDC, and it is now generally accepted that both sets of literature emanated from the same Jewish party or sect, which may be called, in the absence of convincing evidence to identify them with any previously known community, the New Covenanters. There are some discrepancies between the two literatures, but they can be explained by the reasonable hypothesis put forward by Professor Millar Burrows [2] that the literature reflects two phases in the party's history, the DS scrolls relating to their earlier days, whilst they were still in Judaea, and CDC to the period after their withdrawal to Damascus. The occasion of the deposit of the former in the cache at Ain Feshkha may reflect this crisis in the party's history.

The purpose of the present paper is not to outline the current position regarding the affinities between the two literatures,[3]

[1] The conventional abbreviations for the scrolls and related documents are adopted in the present paper. They are :—

DSD The Sectarian Manual of Discipline.
DSH The Habakkuk Commentary.
DSIa The St. Mark's Isaiah Manuscript.
DST The Thanksgiving Psalms.
DSW The War of the Sons of Light with the Sons of Darkness.
CDC The 'Zadokite' work of the Covenanters of Damascus, or The Cairo Damascene Covenant, or, as here, The Damascus Document.

[2] *The Dead Sea Scrolls of St. Mark's Monastery*, vol. I. *The Isaiah Manuscript and the Habakkuk Commentary*, 1950, p. x, and, in greater detail, 'The Discipline Manual of the Judaean Covenanters'. *Oudtest. Studiën*, Deel 8, 1950, p. 157.

[3] Among the more important discussions, reference may be made to the following: W. Baumgartner, 'Der palästinische Handschriftenfund. Zweiter Bericht.' *Theol. Rundschau.* NF 19, 1951, pp. 138 ff.; W. H. Brownlee, 'A Comparison of the Covenanters of the Dead Sea Scrolls with Pre-Christian

but rather to consider further some issues common to them, and to suggest some resultant conclusions about the character of the community and its beliefs.

I

A glance at the contents of the scrolls provides abundant evidence that the community was lavish in its use of Scripture, and our attention is obviously drawn to the manner in which Scripture was quoted and interpreted by them. It has already been observed [1] that the same principles of exegesis obtain in

Jewish Sects', *Bib. Arch.*, 13. 3, Sept., 1950, pp. 50 ff.; W. H. Brownlee, *The Dead Sea Manual of Discipline. BASOR Supp.*, 10-12, 1951; Millar Burrows, 'The Discipline Manual of the Judaean Covenanters', *Oudtest. Studiën*, 8, 1950, pp. 156 ff.; P. Kahle, 'The Age of the Scrolls', *Vet. Test.*, 1. 1, 1951, pp. 38 ff.; Bo Reicke, 'Die Ta'amire-Schriften und die Damaskus-Fragmente', *Studia Theol.* (Lund), 2. 1, 1949, pp. 45 ff.; L. Rost, 'Der gegenwärtige Zustand der Erforschung der in Palästina neu gefundenen hebr. HSS. No. 11, Die Sektenrolle', *Theol. Lit. Zeit.*, 1950, col. 341 ff.; I. L. Seeligmann, 'The Epoch-making Discovery of Hebrew Scrolls in the Judean Desert', *Bi. Or.*, Jan. 1949, pp. 1 ff.; M. H. Segal, 'The Habakkuk "Commentary" and the Damascus Fragments', *J.B.L.* 70, June, 1951, pp. 131 ff.; A. Dupont-Sommer, *Aperçus préliminaires sur les Manuscrits de la Mer Morte*, 1950; S. M. Stern, 'Notes on the New Manuscript Find', *J.B.L.* 69, Jan., 1950, pp. 19 ff.; E. L. Sukenik, *Megillôth Genuzôth*, vol. 1, 1948, vol. 2, 1950; J. L. Teicher, 'The Dead Sea Scrolls—Documents of the Jewish-Christian Sect of Ebionites', *Journ. of Jewish Stud.*, 2. 2, 1951, pp. 67 ff.; R. J. Tournay, 'Les anciens manuscrits hébreux récemment découverts', *Rev. Bib.* 56, 1949, pp. 204 ff.; R. de Vaux, 'La grotte des manuscrits hébreux', *Ibid.* 56, 1949, pp. 586 ff.; R. de Vaux, 'A propos des manuscrits de la Mer Morte', *Ibid.*, 57, 1950, pp. 417 ff.; P. R., Weis, 'The Date of the Habakkuk Scroll', *J.Q.R.* 41, 1950, pp. 125 ff.

[1] E.g. S. M. Stern, *op. cit.*, p. 21; W. H. Brownlee, 'Biblical Interpretation Among the Sectaries of the Dead Sea Scrolls', *Bib. Arch.*, 14. 3, Sept., 1951. The present article was ready for the press when Professor Brownlee's article appeared, and because both discussions run along fairly parallel lines, Professor Brownlee's conclusions are here briefly summarised. He deals mainly with DSH, and indicates passages which demonstrate the following principles of hermeneutics. Since the prophetic oracles have veiled and eschatological meanings, often to be ascertained through a forced treatment of the Biblical text, the exegete resorts to textual and orthographic variants and peculiarities as well as to analogous circumstances and allegory. More than one meaning may be attached to the prophet's words, the letters in a word may be rearranged and replaced by similar letters, or, yet again, words or parts of words treated as abbreviations. Other passages of Scripture are used to illumine the meaning of the original prophet. Professor Brownlee finds parallel hermeneutics in Rabbinical literature, and argues that DSH is a *midrash*, rather than a commentary as he had previously maintained.

both DSH and CDC, and it is not surprising that it reappears in DSD. In fact, this characteristic exegesis forms one of the prominent features of the literature generally, and claims considerable importance for a correct estimate of the party.

A definition of the exegesis depends on the exact meaning to be given to the word *pesher*, which occurs so frequently, as a technical term, in DSH. Whether the word should be rendered ' commentary ', ' interpretation ' or ' *midrash* ', is still controversial, and an examination of its usage shows that any one convenient English concept fails to adequately indicate its function. Superficially, it appears to coincide with the general type of interpretation common to apocalyptic literature,[1] where an oracle, be it vision or revealed ' word ' is supplied with an allegorical explanation, which attaches to it a set of circumstances. These may be persons or events of the past, or again, desires and promises for the future, or a mixture of both. The connections between the oracles and the explanations are known to the author of the commentary, and, generally, to the people to whom he writes, but the explanation is rendered unrecognisable to anyone outside the community, either by means of heavy camouflage or because of the very vagueness of the terms in which it is expressed. The word *pesher* [2] occurs very frequently in the book of Daniel, where it is almost invariably used in connection with dream interpretation. Otherwise it occurs but once in the Old Testament, namely Eccles. viii. 1, where its usage is typically ' Wisdom '.

Of course, the application of allegory, with the heavy camouflage of the events portrayed, is one of the most common literary devices of late prophetic and apocalyptic writings, and forms one of the connecting elements between Ecstasy and Wisdom. It may be regarded as descending directly from

[1] Cf. Dupont-Sommer, *op. cit.*, pp. 36 f., and P. R. Weis, *op. cit.*, pp. 126 ff.

[2] Or, rather, in its Aramic form *p*^{e}*shar*. The Hebrew word *pathar* is frequently used for the interpretation of dreams in Gen. xl f., and both words figure prominently with the same meaning in Rabbinic literature. Baumgartner, *op. cit.*, refers to the discussion of these terms by W. Bacher, *Die exegetische Terminologie der jüdischen Traditionsliteratur*, vol. 2 (1905), pp. 173 f., 178 ff., where the greater prominence attaches to *pathar*. A fuller treatment of *pashar* is given in Kohut's *Aruch Kompletum, ad loc.*

Ezekiel's allegories and the night-visions of Zechariah, where an 'interpreting angel' is introduced. The book of Daniel gives abundant examples, and it is noteworthy that here, despite the heavy camouflage, the logical sequence of the allegory is well sustained, so that the apparently bizarre and wildly extravagant 'metaphors' become a sensible historical account once the key to it has been achieved. It is, despite appearances, historiography. Among the books of the Apocrypha, it is 1 Enoch which supplies the best examples of this literary device. One thinks of ch. lxxii, again as in Zechariah, introducing an interpreting angel, Uriel; and, particularly of chs. lxxxiii-xc, the dream-visions, where the first makes use of the interpreting grandfather, Mahalel, and the second, where the author causes to pass before the visionary innumerable vicissitudes suffered by variously coloured bulls and heifers, and elephants, camels, asses and beasts of all kinds, until, in the final scenes, all the generations are transformed and become white bulls; that is, the people of God are in heaven and all is well. In these accounts the symbolism is so clear that the narrator of the visions even dispenses with the services of the interpreter; and, once again, it is obvious that we are dealing with disguised historical writing.

Among the Dead Sea scrolls, however, there is not a single extant document which presents this kind of literature. DSW, which might be regarded as approximating to it in some ways, is such a straightforward account that scholars are still undecided about its real purport, whether it describes an actual warfare or, as is more likely, an apocalyptic ritual. At the same time, even if DSW be excepted, the others, all equally free of symbols of the kind described above, are obviously apocalyptic in character. This is particularly well demonstrated in DSH, where the oracles of the prophet are provided with solutions by which they are made applicable to the contemporary conditions and circumstances of the community. Now, the word used to introduce the solution is *pesher*, the same term, with the same function, as is used in Daniel. But the resultant interpretation is not historiography, because the oracle on which it is based is not allegory, as in Daniel and 1 Enoch. It is rather, the application of a series of oracular sayings to contemporary circumstances, and to be

regarded as means of solace and comfort. There is one instance of the use of *pesher* in the book of Daniel which does, however, coincide with its use in DSH: it is the story of Daniel's reading and interpreting the writing on the wall in ch. v. There is no historiography here, but simply a referring of the oracle to a specific event. In this instance, just as in DSH, the noteworthy feature is that there exists between the oracle and its solution a literary affinity, such as a verbal reminiscence or word-play, on which the solution can be fastened. There is no necessary similarity of context between them.

In many ways it is the New Testament which shows an usage of Scripture which can be compared with the present scrolls,[1] and there it is called 'the fulfilment of prophecy'. In the Gospels, for instance, it features prominently in St.Matthew, particularly in the Nativity story and the early chapters: thus, the Virgin Birth, the birth in Bethlehem, the flight to Egypt, the weeping in Ramah, the name Nazarene, the beginning of the ministry from Capernaum, are all stated to have been predicted. The quotations from Scripture in the temptation story (iv. 1-11) show similar traits. They can be paralleled by numerous instances throughout The Acts and the Epistles, for the appeal to Scripture forms an essential part of the development of belief in the Early Church. Professor T. W. Manson[2] has explained that 'the task of faith, both Jewish and Christian, in New Testament times, was to study the course of events in order to discover any indication that the divine purpose (as revealed in Scripture) was working itself out in history'. The New Covenanters interpreted the Scriptures in much the same way as did the New Testament writers, and found in the phrases

[1] Cf. Sukenik, *Meg. Gen.* 2, p. 86; Teicher, *op. cit.*, p. 76. Baumgartner, *op. cit.*, p. 117, objects to this view on the ground that there is no equivalent to *pesher* in the New Testament, but it may be remarked that the similarity with N.T. 'interpretation' does not postulate an identical process in the two literatures, nor need there be uniformity in either of them. Thus, in the writings of the New Covenanters, interpretations essentially similar to those of DSH are introduced, e.g. in CDC by *pesher* and also by a formula which reminds us of the New Testament, thus, 'it is said', 'written in the words of . . .'. Again, there is no identity of interpretation in the New Testament itself; thus, the appeal to Scripture by St. Paul is not identical in form with that of the *Testimonia* of the Gospels.

[2] 'The Argument from Prophecy', *J.T.S.* 46, 1945, pp. 129 ff.

and words of those Scriptures hints and predictions which related to themselves, their dignitaries, their circumstances, and particularly their eschatology.

In CDC 4. 14[1] the technical force of *pesher* can be seen in a typical usage, and it will serve to introduce a discussion of the term. The context is descriptive: ' In all the years Belial shall be sent abroad in Israel; as God spoke through Isaiah the prophet saying, " Fear, Pit, Snare are upon thee, O dweller in the land ". Its *pesher* is: the three nets of Belial, concerning which Levi the son of Jacob spoke,[2] by which he caught Israel and set them towards three kinds of righteousness.[3] The first is fornication, the second wealth, the third the pollution of the sanctuary.' In this quotation, which comes from Is. xxiv. 17, the force of the *pesher* lies simply in the fact that three items are mentioned, which the author describes as ' nets ', a term which he has used previously; and the affinity between ' snare ' and ' net ' would account for his choice of the passage. Further than that, there seems to be no essential parallelism of content between the text and its *pesher*.

It is important to note that this method of allegorising Scripture does not require that the interpreter adheres to a fixed, authoritative text-form: on the contrary he frequently exercises considerable freedom with it, and the text of the quotation often fails to coincide with any known form, be it Massoretic or ancient version. Moreover, there are instances where the text appears to have been deliberately changed to give point to the interpretation.[4] Thus in CDC 7. 9 ff., there occur four quotations,

[1] The references to CDC in this paper are to the edition by L. Rost, *Die Damaskusschrift*, published as No. 167 of Hans Lietzmann's *Kleine Texte*, 1933. The chapter and verse division in R. H. Charles' rendering in *Apocrypha and Pseudepigrapha*, vol. 2, 1913, are also introduced where necessary, but they are sometimes misleading, and consequently show an interpretation not altogether suitable to the passage. Rost's edition of the text is regarded as the most satisfactory to date, despite some misreadings and an occasional slip.

[2] Apparently a reference to Test. Levi, xiv. 5, 8, but Charles, vi. 10, explains that it is not a direct quotation from that source.

[3] Cf. Charles, *ibid.*, who shows that the word is euphemistically employed for wickedness '.

[4] This is also characteristic of the New Testament *Testimonia*. T. W. Manson, *op. cit.*, pp. 132 ff., discusses passages where an appeal to Hab. ii. 3 f., by St. Paul

from Is. vii. 17, Amos v. 26 f., Amos ix. 11, and Num. xxiv. 17, and with the exception of the last, the text fails to coincide with the M.T. or the versions. The whole passage affords such interesting examples of interpretation that it is quoted at length. '" There will come upon thee and upon thy people and upon thy father's house days which have (not) been since the day Ephraim departed from Judah ",[1] when the two houses of Israel separated, and Ephraim departed from Judah, and all the apostates were delivered up to the sword, and the faithful escaped to the land of the North, as was said, " and I shall remove Sikkuth your king and Chiun your images from beyond Damascus ".[2] The books of the Torah, they are the tabernacles [3] of your king, as is said, " And I shall set up the tabernacles of David that are fallen ".[4] The king is the congregation, and Chiun, the images, are the books of the prophets, whose words Israel has despised. And the Star [5] is he who studied the Torah and who came to Damascus, as is written, " There shall come forth a star from Jacob, and a sceptre shall rise out of Israel." ' [6]

In this passage the text of Is. vii. 17 has been changed. That there was a divine author of the events is not mentioned, and there is the significant omission of a reference to the king of Assyria.[7] In the interpretation, the flight to the North shows a projection of the disruption of the kingdoms of Israel and Judah to the contemporary events in which the 'house of Israel' is again disastrously divided and a small remnant escapes North—presumably the New Covenanters themselves, though we are not given any account of the flight. Proceeding with the quotation and its interpretation, we see how the Biblical account

in Rom. i. 17, and Gal. iii. 11, on the one hand, and by the author of Hebrews in Heb. x. 37 f., on the other, results in the conclusion that 'the text itself has suffered modification in the process of Jewish and Christian interpretation'.

[1] Is. vii. 17. The omission of the negative, cf. M.T. and CDC 14. 1, is possibly accidental; it does not interfere with the present argument except to strengthen it.

[2] Amos v. 26 f.

[3] Reading *sukkôth* for M.T. *sikkûth*.

[4] Amos ix. 11.

[5] Obviously the quotation from Amos should have included the original reference to 'the star of your God'.

[6] Num. xxiv. 17.

[7] Cf. B. H.[3] *ad loc.*

is used to amplify this interpretation, though without acknowledgment of the different context. Furthermore, the quotation and its application give a particularly good example of the freedom with which text and context are treated. The source is Amos v. 26 f., but the context of the original is wholly disregarded, and terms with offensive associations are correlated to personalities with the highest possible prestige. Thus, Torah is represented by Sikkuth, a pagan astral deity-king, and even if this happened through ignorance and the connection with the festival *par excellence* of all Jews was made by false etymology and a change of vocalisation—there is still greater incongruity in the subsequent correlation of obnoxious idols with the spurned prophets and their ignored oracles, and again, of an astral deity with the Messianic 'Star from Jacob'. The last part of the Amos quotation shows a telescoping of the text, with resultant textual confusion. It is a comparison of the Hebrew texts alone that shows the extent of the literal divergences; here attention is drawn solely to the character of the interpretation. The significance in each instance lies in the 'key-words': they are symbols of historical events, but these are only intimated as fulfilments of the uttered oracle, and do not of themselves offer the means of reconstructing a historical account. Such a reconstruction is rendered still more difficult by the obvious dissociation of the interpretation from the context of the original oracle.

The intrusion of apocalyptic tendentiousness in the interpretations makes historical reconstruction still more precarious. A good example of it may be seen in the continuation of the above passage in CDC.[1] '"The sceptre shall rise out of Israel" (the sceptre is the prince of the whole community), and when he arises "he shall destroy all the warriors".[2] These shall escape at the time of the first visitation, but the apostates shall be delivered to the sword.'

Instances of a similar kind of allegorical and symbolical interpretation of Scripture, parallel to the above, abound in the Dead Sea scrolls. In DSD 8. 12 ff., Is. xl. 3 is quoted, with an interesting solution. The scroll gives 'And when these things

[1] CDC 7. 19 ff.

[2] Num. xxiv. 17. Cf. BDB שאת for the rendering.

happen in Israel [1] they will separate themselves from the session of evil women [2] to go to the wilderness, there to prepare the way of God,[3] as it is written, " In the wilderness prepare the way of . . . .[4] Straighten out [5] in the desert a highway for our God." This is the *Midrash* of the Torah, which (God) commanded through Moses, to do according to all that was revealed from time to time, and as the prophets revealed through His holy spirit.' The same principle of exegesis is evident as in the previous passages. There is an allusion to the departure of the people to the wilderness, which is probably historical,[6] but cannot be identified.

The edited facsimiles of the scroll show an interesting interlineal insertion at this point, which both Brownlee and van der Ploeg have included in the text of their translations. It says 'for the community in these assignments', and, since it interrupts the logical sequence of the original sentence, it looks as if the scribe himself would explicitly intimate that the text is to be understood as having this meaning. It is not a later insertion, because the script is the same as the remainder of the scroll. Just as in the New Testament (Mk. i. 2 f., Matt. iii. 3 f., Lk. iii. 4 f., John i. 23) John the Baptist went out into the wilderness to 'fulfil the prophecy' of Is. xl. 3, so here the New Covenanters. Further than this, however, there appears no justification for establishing an identity between them and the followers of John.[7]

[1] So Brownlee, *The Dead Sea Manual of Discipline*, pp. 32 f., and van der Ploeg, 'Le " Manuel de discipline, ".' *Bi. Or.*, July, 1951. Burrows, *Oudt. St.*, *op. cit.* p. 164, gives 'When there is a curse in Israel . . .'.

[2] Brownlee, *loc cit.*, emends the text to give, 'evil men', probably rightly, despite the possible suitability of the reference to 'women' if the scrolls belong, in some way, to the Essenes, some of whom were celibates.

[3] Accepting Brownlee's interpretation of the use of the pronoun as surrogate for Elohim, *loc cit.*

[4] Obviously 'the Lord'. As often in the scrolls, the Tetragrammaton is represented by four dots.

[5] The reading here agrees with M.T. against DSIa.

[6] Cf. Burrows, *op. cit.*, p. 185.

[7] In 1942 J. Schousboe, *La Secte Juive de l'Alliance Nouvelle au Pays de Damas et le Christianisme Naissant*, developed a suggestion by F. Hvidberg, *Menighcden af den nye Pagt i Damascus*, 1928, that there are close affinities, if not an identity, between the New Covenanters in the pre-Damascene days and John the Baptist.

One final aspect of the treatment of Scripture in CDC is the positive evidence against a theory of a schematic or systematised interpretation of Scripture. Thus, the long passage quoted above from 7. 9 ff. has a counterpart in the B recension of the Document,[1] where the theme is elaborated in the setting of Zech. xiii. 7. This instance can be paralleled by a number of other passages which are duplicated in the A and B recensions.

Admittedly, in the above examples of quotation and solution the word *pesher* occurs but once; the essential resemblance between all the instances, however, and the fact that these can be supported by a great number of parallel instances is surely sufficiently convincing to warrant the conclusion that there is, in the literature of the New Covenanters, a recognised pattern or method of exegesis which was universally practised by them. If the ingenious identification of some of the scattered fragments discovered in the cave as part of Ps. cvii. with a commentary[2] is correct, there is here an important indication of what is in itself quite probable, namely that other books of the Old Testament were formally 'interpreted' in the same way as DSH. The *Testimonia* of the New Testament are in a way parallel; at least, the idea underlying the *Testimonia* does not render the other impossible. The major difficulty concerning the suggested theory is that not only is the interpretative *pesher* absent from the fragment but that it is replaced by an interpretative 'this is',[3] which is more suitable to comments of the kind found in CDC.

The frequent references in DSD to (ritual?) washing might support this hypothesis, and this is also true of the Essenes. Cf. further, Brownlee, 'A comparison of the Covenanters . . . with pre-Christian Jewish Sects', *Bib. Arch.*, Sept., 1950, pp. 69 ff. Baumgartner, *op. cit.*, p. 141, refers to the likely view that the New Covenanters may be joined to the Essenes and the followers of John the Baptist in reflecting a general tendency to form 'Baptizing sects' which can be traced to the late pre-Christian era. The whole topic (apart, of course, from the evidence of the recent discoveries) is discussed by J. Thomas, *Le Mouvement Baptiste en Syria et Palestine*, 1935.

[1] CDC, 19. 7 ff. [2] I. Rabinowitz, *Bib. Arch.*, 14, 1951, pp. 50 ff.

[3] Rabinowitz would overcome the difficulty by suggesting that 'we might deduce that the manner of citation and exegesis in DSH is relatively more developed'. The opposite can also be true. A possible solution is that *pesher* and *zeh* are synonymous: the latter is very frequently used elsewhere in the scrolls and in CDC. But the evidence of the A and B recensions of CDC would point away from the theory.

Against this general background, it is obvious that interest in DSH should be directed to the function of *pesher*. The whole commentary consists of a systematic interpretation of a complete prophecy according to a fixed pattern, namely, the 'solving' of the oracles on the basis of key-words in the text. Each solution has reference to circumstances in the life of the community, but the treatment of the oracles makes any strictly historical reconstruction a most precarious task. Professor Coppens [1] is said to have suggested that the commentary contains hardly any precise historical allusions, but concerns itself vaguely with a conflict that had extended for a number of generations between the Wicked Priest and Man of Lies on the one hand and the Righteous Priest and his partisans on the other. Perhaps this standpoint is extreme, and fails to allow for the fact that allusions to specific events, past, present, or future, are essential to each individual solution. But it has much in its favour in view of the obvious impossibility of identifying the historical allusions, and it might go some way towards explaining the lack of agreement already evident among scholars on the identification of the persons and periods to which the solutions apply. There is, on the whole, an unanimity of views that the commentary deals with events in the late pre-Christian era, but, even so, the divergences are considerable, for the suggested identifications range from Antiochus Epiphanes and the Maccabean risings to the last half-century before Christ. At the same time, the cogent reasoning of Dr. P. R. Weis [2] shows how it is possible to present a case even for a medieval dating of DSH, which would place it completely outside the period with which we are dealing. Admittedly, Professor Dupont-Sommer's brilliant advocacy of the period between the capture of Jerusalem by Pompey in 63 B.C. and of the final redaction of the commentary

[1] According to R. Goosens, 'L'état actuel des recherches sur les Manuscrits de la Mer Morte et sur la Secte de la Nouvelle Alliance', *La Nouvelle Clio*, 1-2, No. 10, Dec., 1950, pp. 645 ff.

[2] 'The Date of the Habakkuk Scroll', *J.Q.R.* 41, 1950, pp. 125 ff. To the present writer it appears that the accumulation of the evidence of archæology, palæography and, finally, the radio-active carbon in the wrappings, make it extremely difficult to establish a date outside the limits of the late second century B.C. and the early second century A.D.

slightly before the end of the reign of Hyrcanus II in 40 B.C.[1] is an important contribution, but the same can be said of Dr. Bo Reicke's arguments in favour of an earlier period, centring on the Tobiad apostasies and the disturbances and confusion which led to the Maccabean risings.[2] Yet again, the standpoint of Professor M. H. Segal,[3] who associates with it the troubles of the reign of Alexander Jannaeus in the early first century B.C. explains many of the circumstances. Now the divergences are not a matter of slight differences of years, as the chronology might lead one to suppose, but involve substantial differences of circumstances and background. Thus, Reicke finds overwhelming evidence for a Hellenistic setting; Dupont-Sommer is convinced that the issues raised appertain to Roman tyranny; Segal, though chronologically approximating to Dupont-Sommer's position, and consequently able to accept some of his identifications, finds that the circumstances reflect very different causes, and he argues, as does Reicke, for internal Jewish dissensions. Where and how the circumstances fit in with the Essenes is not clear, but it is certain that there are strong similarities in the constitution of the two communities. In all these conflicting views, however, the present writer cannot but see evidence of what has already been suggested, namely, that it is impossible, because of the literary *genre* to which the commentary belongs, to reconstruct any consistent historical account, with a *terminus a quo* and another *ad quem*, such as is presupposed by the above or any other similar attempt. At its best, such a quest for a historical writing in DSH can provide little better than a more or less acceptable explanation of certain chosen items in the commentary; at its worst, it becomes a resolving of an interpretation which was itself in the first instance but a resolving of oracles in a very unpredictable manner. Moreover, in all such attempts at identification, the hypothesis inevitably tends

[1] Cf. particularly: *Observations sur Le Commentaire d'Habacuc découvert prés de la Mer Morte*, 1950; *Aperçus préliminaires sur Les Manuscrits de la Mer Morte*, 1950; 'Le Maitre de Justice fut-il mis à mort?' *Vet. Test.*, I, 3, 1951, pp. 200 ff.

[2] 'Die Ta'amire Schriften und die Damaskus-Fragmente', *Studia Theol.*, II, 1, 1949, pp. 45 ff.

[3] 'The Habakkuk "Commentary" and the Damascus Fragments', *J.B.L.* 70, June, 1951, pp. 131 ff. Also in Hebrew, *Tarbiz* 22, 3-4, 1951, pp. 136 ff.

to give a distorted view of the commentary as a whole, for the literature with which it deals is not 'history' of the type to be found in 1 Maccabees or Josephus, nor even in the disguised historiographies of Daniel and 1 Enoch.

Consequently, because of the apocalyptic character of DSH, it may be doubted if its value is, primarily or at all, historical. When it is remembered that in such apocalyptic writings as Mark xiii, with its parallels in Matt. xxiv and Luke xxi, the question of whether or not the fall of Jerusalem is presupposed by each or any one of them still remains unanswered, and that the identity of the figures in 2 Thes. ii., and particularly in Daniel and The Revelation are still a challenge, to say nothing of the historical enigmas of 1 Enoch and other apocalyptic writings of the Apocrypha, surely, it must be allowed that the unravelling of the data, and of the identity of persons and events in DSH cannot be readily accomplished. And even if it were achieved, it is unlikely that the intrinsic value of the commentary would thereby be really enhanced.

It is as apocalyptic literature that DSH is superb. If the allusions to historical items seem to be disastrously vague, it is nevertheless important to realise that eschatology is interwoven throughout the history without any apparent transition from one to the other. In each interpretation, the point is made that an oracular prediction is fulfilled. The *Kasdim* of the text (i. 16) naturally become *Kittim* in the commentary, because *Kittim* is the appellative by which the people's enemy is always known—be they the Hellenistic *Kittim* of DSW, or the Roman *Kittim* of DSH.[1] Throughout the scrolls, they represent the oppressors. Thus, in Col. 4. 5 ff., 'the rulers of the *Kittim* scorn the fortifications of the people, and, with derision, laugh at them, and with a

[1] This 'identity' seems to have become established. Cf. Dupont-Sommer, *Manuscrits*, p. 40; Brownlee, 'Bibl. Interp.', *Bib. Arch.*, Sept., 1951, p. 63; Goosens, *op. cit.*; Kahle, *Hebr. HSS.*, pp. 69 f.; Segal, *op. cit.*, p. 133; van der Ploeg, 'Le Rouleau d'Habacuc', *Bi. Or.*, 8, Jan., 1951, p. 10; and, according to Goosens, J. Coppens, with reservations. The LXX (though not Theodotion) to Dan. xi. 30, which renders *Kittim* with 'Romans', is certainly pertinent. P. R. Weis, *op. cit.*, pp. 143 f., has shown that down to medieval times *Kittim* indicates 'any power in the ascendancy likely to overthrow the power ruling over Palestine at the time'.

huge army encompass them to seize them, and, with fright and terror, deliver them into their hand and overthrow them in front of the people'. This exposition may, indeed, refer to a past incident, and be ascribed to tyranny by the Romans, but the imperfect tense of the verbs,[1] and the similarity with so much that is in DST and DSW, which probably presuppose apocalypses from another, earlier, period, make it reasonable to assume that the catastrophe is eschatological, to occur in the future, but is inspired by reminiscence of Roman tyranny. There will be still further calumny and indignity when the *Kittim* 'will destroy many with the sword, young men and old, women and children, and will not spare the unborn'.[2]

Even the leaders of the people will not be spared, for the Righteous Teacher, who is a priest, is persecuted by the Wicked Priest, for 'God delivers the Righteous Teacher to the hands of the *Kittim* to humiliate him'.[3] But there comes an end to the affliction: 'God speaks to Habakkuk to write the things that are to come upon the last generation, though the consummation of the time is not known to him, and so he says, "That he who runs may read it". Its *pesher* concerns the Righteous Teacher, to whom God reveals all the mysteries of the words of His servants and prophets, for "there is yet a vision for the fixed season, it hasteth to the end, and does not lie". Its *pesher* is that the latter time will be long drawn-out, and will surpass all which the prophets have spoken, for the mysteries of God are wonderful. "Though it tarry, wait for it. It will surely come, it will not delay." Its *pesher* concerns the men of truth, who perform the Law, whose hands do not flag in the service of truth during the prolongation of the latter-day, for all the periods of God shall come according to the limits He has ordained . . . in the mysteries of His providence.'[4] This passage embodies the essentially apocalyptic features of the commentary, and there is much in it to support a dictum by Professor C. R. North[5] that 'apocalyptic is

[1] Cf. van der Ploeg, *op. cit.*, p. 10. [2] Col. 6. 10 ff. [3] Col. 9. 10 ff.

[4] Col. 7. 1-14. The last word has been rendered 'craftiness', but the word can be given a favourable meaning on the basis of Provs. i. 4; viii. 5, 12. Cf. *B.D.B.*, *ad loc.*

[5] *The Old Testament Interpretation of History*, 1946, p. 129.

frequently quite unrelated to history, and sometimes even presumes to write history on the basis of *a priori* principles '.

The scroll does not teach much that is specifically new about the content of apocalyptic thought, but, in the way eschatology and actual events are intermingled without transition from one to the other, it bears important testimony to the quality of apocalyptic around the beginning of the Christian era. To a greater degree than in the Old Testament, it reveals an expectancy of the actual and immediate consummation of Divine intervention ; and in such tension a realised eschatology, such as is presupposed by much in New Testament writings, is the natural and inevitable outcome. This feature will again be noted in the following section of this paper.

II

Against the background of an allegorical and apocalyptic manipulation of the Bible, the meanings of some of the characteristic expressions of CDC may be more closely defined. Three of them, each with its apocalyptic nuance, may be mentioned, mainly because they demonstrate how eschatology and actuality merge into one thought-pattern, again reminiscent of realised eschatology and some of its concomitants.

The first is קֵץ, which Charles,[1] following Lévi, rendered ' period ', ' time ', ' aeon ', in contrast to the usual O.T. rendering ' end '. This meaning has been abundantly confirmed by the Dead Sea scrolls. The word occurs some fifteen times in CDC, generally in compound constructions, and frequently joined in the construct state to absolutes which describe a present time of woe. Most of these combinations are paralleled in the scrolls. The ' period of wrath ' occurs both in CDC 1. 5 and in DST.[2] The former defines the period as lasting 390 years—an apparently important, but actually a wholly enigmatic figure for estimating the date of the community ; the latter's context refers in a more general way to ' the time of wrath to all Belial '. Apocalyptic

[1] *Op. cit.*, i. 5.

[2] Cf. Sukenik, *Meg. Gen.*, 1, p. 32, line 12 ; Wallenstein, *Hymns from the Judean Scrolls*, 1950, p. 20, n. 50.

associations are again prominent in the meaning of the term in DSD, where, for instance, 4. 16 gives ' all the world-aeons ' ; 4. 17 ' the last world-aeon ' ; 4. 18 ' He will set a time for evil to exist, and, at the fixed time [1] of His visitation He will destroy it for ever ' ; 4. 25, ' the time of the final decision '. This apocalyptic nuance of קץ can, of course, be based on O.T. usage, despite the change of meaning, and the way the meaning has developed can be admirably seen in DSH, especially in 7. 6 ff., where the word occurs in the Biblical text and in the *pesher*. In the former, where, incidentally, the text varies somewhat from M.T., the parallel *môʿêd* establishes the sense as ' end ', and apparently precludes any apocalyptic meaning. The *pesher*, on the other hand, is clearly apocalyptic, referring to the delay in the arrival of the consummation. At the same time, DSH 11. 4 ff. gives an example of קץ being used in an apparently actual, non-apocalyptic sense : the passage is the *pesher* to ii. 15, and refers to the ' time of the fixed festival of the Day of Atonement '. This usage, again, can be paralleled in CDC, where, in 2. 10, after describing the wicked ones, the author says, ' And He knows the years of their office, and the number and definition of their periods '.[2] In neither instance, however, has the apocapyltic nuance altogether disappeared, for, just as CDC 1. 5 defines the eschatological ' period of wrath ' with a specific number of years, so does the DSH occasion form part of the pre-eschatological crisis. The same ' intermingling ' of eschatology and actual history may be present in CDC 2. 10, and again CDC 5. 20, ' And during the period of Chorban in the land, there arose people who removed the landmark, and led Israel astray '. A contemporary parallel may be observed in I Enoch, in the part of the second night vision (ch. lxxxv.–xc.), where the ' history ' of the Jews is divided into periods, the last of which is wholly apocalyptic. In all these sources there is a characteristic fusion of apocalyptic and actual.

A somewhat similar duality of meaning attaches to other

[1] Cf. Brownlee, *op. cit.*, p. 8, n. 19 ; p. 32, n. 9.

[2] Charles, ii. 8, regards this passage as an interpolation by the redactor : it does seem to form part of the teaching of the party, and interrupts the sequence of the context. Possibly the parent copy of the manuscript had the passage as a supralineal insertion, similar to that of DSD, 8. 12 ff., mentioned above. Cf. *supra*, p. 374.

words, though there is a clearer distinction between the ' temporal ' and the apocalyptic meanings. In his translation and discussion of DSD,[1] Professor Brownlee refers to the meaning of דור, and says, ' There are basically two so-called " generations " (really societies), the righteous and the wicked '. A number of Biblical passages are mentioned in support of the double-meaning, and the parallel with ' the Children of Light ' and the ' Children of Darkness ' is obvious. In the same way, the word גורל, ' lot ', ' portion ', may be seen to have a dual usage, and this is my second instance. DSW refers [2] to ' the period of the rule by all the men of the lot of Belial ', and DST [3] speaks of the ' portion of anger falling on the forsaken ', in a poem which is thoroughly apocalyptic. Again, in DSD, 1. 10, the pious have their ' portion ' in God's counsel, and in 11. 2 f., the priests bless all the men in God's ' portion ' whereas the Levites curse the men in the ' portion ' of Belial. But in this same scroll the term is also used in an essentially ' actual ' sense ; thus, in 6. 15 f., it is said of the neophyte that ' when he comes to stand before the Many, the whole group will be asked concerning his affairs ; and as the " lot " falls in accordance with the counsel of the Many, he will either approach or depart '. Here גורל is simply the ' lot ' which is cast (that is, the decision which is made) at the initiation [4] and obviously corresponds to the original meaning. The dual usage of the word is clearly indicated in the present scroll. In passages which have apocalyptic flights, the meaning is wholly eschatological ; thus, 1. 10 ; 2. 2, 5, 17, 23 ; 3. 24 ; 4. 24, 26 ; 11. 7. Where, however, the activities of the party are described, the usage is generally actual and frequently forensic ; thus, 5. 3 ; 6. 16, 18, 22 ; 9. 7. In two out of the three occurrences in CDC, namely 13. 4, 12, the word refers to conditions and practices obtaining in the camp, where the ' lot ' (that is, decision) of a priest is to be accepted in certain questions of legislation ; in the third, 20. 4, something remains of the more apocalyptic nuance of

[1] *The Dead Sea Manual of Discipline*. *BASOR Supp.*, 10-12, 1951, col. 3, line 14 n. 24.

[2] Sukenik, *Meg. Gen.*, 1, p. 22.

[3] Sukenik, *ibid.*, 2, p. 40, line 4. Cf. Wallenstein, *op. cit.*, p. 19, n. 44 who states that the passage reflects Prov. xix. 19, in which case the reading supports the Qrê against the Kthib ; cf. BH[3] *ad loc.*

[4] Cf. Brownlee, *op. cit.*, *ad loc.*

the word, though here, too, it is almost equivalent to ' community ', for the apostate is to be expelled ' as though his lot had not fallen among the pupils of God '.

The third term which may be placed in this category is רזי, a construct plural form, translated ' secrets ', ' mysteries '. It is now well known that this reading was first proposed for an undecipherable word in CDC 3. 18 by Rost in his edition of the text, and was independently suggested by Sukenik on the basis of its occurrence in DSW.[1] It has now been established because of its abundant occurrence in the Dead Sea scrolls generally. The word has a technical usage, is connected with God or has a demonic quality, and generally occurs in apocalyptic settings. The most common epithet attaching to it is that found in CDC 3. 18, namely ' marvellous ', ' wonderful '. Thus, in DSW,[2] we have ' thy marvellous mysteries ' among the ' deeds of God ' (though, in the same passage, five lines earlier, there occurs ' the mysteries of his (Belial's) hatred '); and in DSD 9. 18; 11. 5, ' the wonderful mysteries of God '. In DSH the word is combined directly with EL (7. 8); in 7. 5 there is a reference to ' all the mysteries of His servants the prophets '; and in 7. 14 ' the mysteries of His providence '.[3] Among other combinations are: ' mysteries of knowledge ' (DSD 4. 6); ' of understanding ' (DSD 4. 18); ' the depth of Thy mysteries ' (DSD 11. 9). The parallelism in DST[4] is illuminating: ' For Thou dost teach me the mysteries of Thy wonder, and in the council of Thy wonder Thou dost establish me'. Here the parallel is with סוד, and the ordinary meaning of this word, together with the probable Persian provenance of רזי[5] suggest the foreign influence of Near-Eastern mystery religions. That evidence of syncretism is to be found in the scrolls need not be surprising, for Mishnaic sources show how Mystery cults had seeped through into a far more orthodox Judaism than that of the New Covenanters.[6] There is no evidence in the scrolls that the ' mysteries ' were

[1] *Meg. Gen.*, 1, p. 24, and plate IX, line 13. [2] *Meg. Gen., loc. cit.*

[3] Cf. *supra*, p. 379, n. 4.

[4] *Meg. Gen.*, 2, Pl. IX, line 23 f.; cf. p. 47, lines 9 f.

[5] Cf. the use of the word in the book of Daniel, and the lexica *ad loc.*

[6] Cf. Levy, *Wörterbuch über die Talm. and Midrashim, ad loc.*

defined or that they were a recognised part of the rites of the community, but they probably formed part of the general method of exegesis, and contributed to the esoteric profundities which were present in apocalyptic piety. It lies to hand to suggest a similarity between the ' mysteries ' of the New Covenanters and the μυστήριον of the New Testament, for the association is obvious.

Indeed, what with the resemblances of *Testimonia*, and of the apocalyptic elements in the literature of the New Covenanters to the ' realised eschatology ' of the New Testament, and of the affinities with ' mystery ', it may be thought that a case is being argued here for a close association of the New Covenanters with the early Christians ! That is not so. There are features which are similar in both literatures, but, to the present writer they are far from suggesting identity or even association. All that is claimed is that ' mystery ' and apocalyptic thought as represented in the works of the New Covenanters had developed along lines parallel with those in certain aspects of New Testament teaching.[1]

III

This similarity of development between the New Covenanters and the Early Church brings into the purview of the present study the vexed question of the identity of the New Covenanters. Affinity with the Essenes is becoming increasingly emphasised by many scholars,[2] and the publication of DSD has shown that the arguments are strong for establishing at least a connection between them. But there are still difficulties. To mention but one, it is an unresolved enigma whether or not the Essenes made sacrificial offerings in the Jerusalem Temple, whereas there is a clear reference in CDC 11. 17 ff. to the practice of sacrifice at the altar

[1] Cf. Baumgartner, *op. cit.*, pp. 146 ff.

[2] Cf. among others, W. H. Brownlee, ' A Comparison of the Covenanters of the Dead Sea Scrolls with pre-Christian Jewish Sects ', *Bib. Arch.*, 13. Sept., 1950 ; Millar Burrows, ' The Discipline Manual of the Judæan Covenanters ', *Oudt. Stud.*, 8, 1950, pp. 156 ff. ; P. Kahle, *Die Hebräischen Handschriften aus der Höhle*, 1951, p. 71 ; A. Dupont-Sommer, *Aperçus préliminaires sur les Manuscrits de la Mer Morte*, pp. 105 ff., *et passim*. Cf. Baumgartner, *op. cit.*, p. 140, for discussion for and against the identity.

and attendance at the Temple. Furthermore, there is the ever-present danger of reading too much into the historical allusions in the scrolls.

More relevant to the present study are considerations based on the community's treatment of the Bible and its text. There are indications that the allegorical interpretation of Scripture as found here might accord well with their identity with the Essenes, for both Philo and Josephus assert [1] that this was their main principle of hermeneutics. But the Essenes certainly had no prerogative of this method, and there is no evidence to suggest that *pesher* of DSH and CDC agrees with their particular emphasis, for they specialised in an ethical allegorisation, and what Josephus calls apothegms. It may be further argued that the part played by ' mystery ' in both communities might connect them, but this would also be true of many other parties ; for instance, the Pythagoreans, who were likewise prominent ' mystery-cultists ', and were shown by Josephus to have affinities with the Essenes on that score. The Essenes are still too little-known to be adopted as the people responsible for the Dead Sea cache and its related literature.[2]

On the other hand, the part played by Zadoq, and the *bnê Zadoq*, suggests another approach. They figure prominently in CDC, and also in DSD. R. H. Charles [3] refers in his discussion of these people to statements by the tenth-century Karaite, Kirkisani, to the effect that Zadoq, who led a party similar to that of the New Covenanters, was the first to attack the Rabbinites.[4] Now such a conflict with orthodox Judaism may well reflect

[1] Philo, *Quod Omnis Probus Liber Sit*, par. 80 (cf. F. H. Colson, *Philo*, Loeb Ser., 1941, vol. 9, pp. 52 ff.). Josephus, *Bell. Jud.*, ii, par. 136 (cf. H. St. J. Thackeray, *Josephus*, Loeb Ser., 1927, vol. 2, pp. 368 ff.) Cf. further, F. C. Conybeare, ' Essenes ', *Hastings D.B.*, 1, pp. 767 ff. ; J. Moffatt, ' Essenes ', *E.R.E.*, 5, pp. 396 ff.

[2] Cf. R. Marcus, ' Future of Intertestamental Studies ', in *The Study of the Bible To-day and To-morrow* (ed. H. R. Willoughby), 1947, pp. 199 ff.

[3] *Fragments of a Zadokite Work*, Introduction, p. 786.

[4] The text of this work is given in translation by L. Nemoy, ' Al-Qirqisānī's Account of the Jewish Sects and Christianity.' *HUCA*, vol. vii, 1930. Cf. especially pages 326 and 363 ; in the former passage Professor J. Z. Lauterbach tentatively suggests a connexion between Zadoq of this text and the Zadoqites of CDC.

differences of Scriptural interpretation, which is abundantly evident in the New Covenanters' literature. Professor Paul Kahle [1] has demonstrated how in CDC the laws and prescriptions on ' Sabbath observance, uncleanness and purification, oaths and vows, the lawfulness of certain marriages, and many other things differ largely from those known from Tannaite sources '. Again, the freedom with which the text of the O.T. is treated presupposes a deliberate challenge to the authority exercised by the Massoretes and their predecessors over the traditional Massorah and the transmission of the text. The community of the New Covenanters had their own *Massoreth* and their *diqduqê*, their *midrash* and their *perush*.[2] Orthodox Judaism was, moreover, nowhere more blatantly ignored than in the party's attitude to those books which were at that time, or, at least shortly afterwards, extra-canonical ; for it requires no detailed demonstration to show that acquaintance with, and dependence on, apocryphal books was a characteristic of their literature. The cache at Ain Feshkha has produced fragments of the books of Jubilees and of the Testament of the Twelve ; and the still unrolled scroll of the Lamech Apocalypse and the unidentified apocryphal fragment partly published by Père de Vaux in *Revue Biblique*, 1949, apparently belong to a recension of apocryphal books not previously known from the amorphous collection preserved by the early Church. Furthermore, all textual treatments of CDC and of the Dead Sea scrolls [3] show abundant traces of dependence on and quotation from apocryphal literature.

On the basis of this enlarged and unorthodox Bible, and exercising a free, allegorical interpretation of the text of the Law and the Prophets, the community drew out its own ' fixed definitions ' of belief and practice. In CDC there occurs, with considerable

[1] *The Cairo Geniza*, 1947, p. 11.

[2] Brownlee, ' Biblical Interpretation ', *Bib. Arch.*, 1951, 14, 3, states that ' the sect had its birth in Biblical interpretation, for the founder of the sect, the Teacher of Righteousness, was primarily an expounder of God's Word '.

[3] Cf. Rost's edition of CDC and Brownlee's translation of DSD, both of which give details of quotations and literary dependence. W. Baumgartner, *op. cit.*, pp. 137 f., outlines the similarities with the Apocrypha, and uses them as part of an argument for dating the New Covenanters about the end of the pre-Christian era.

frequency, the word *perush*, which is relevant to the present argument. In 4. 8; 6. 10; 13. 6 the word signifies the 'fixed definitions' of Torah, and in one of these passages it is further defined as that 'in which the Fathers were instructed until the consummation of the period of these years'. There was also a *perush* of the Settlement (14. 17); of *mishpatim* (14. 18); of periods of duty (16. 2); the holy ones were promoted according to their *perush* (6. 20); and Sabbath observance had its *perush*. Mishnaic Rabbis were concerned with establishing the *peshat* of Scripture, its 'direct meaning'; the New Covenanters were more interested in its apocalyptic *pesher*. That the members of the party were subject to strict observance of regulations, and were formed into a *serekh* or order is obvious, but whether or not they can be known as anything but the New Covenanters, or some such name, must still be determined. All that can be definitely stated at the moment is that they were a 'Bible party', and formed themselves into an apocalyptic group to prepare for the 'fulfilment' of the Word of God.

THE JOHN RYLANDS LIBRARY MANUSCRIPT OF THE EYRE OF NORTHAMPTON, 3 EDWARD III (1329)

(Latin MS. 180)

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THE GENERAL EYRE which opened " at Northampton on the Monday next after the feast of All Saints " in the third year of the reign of Edward III—that is to say on Monday, 6th November, 1329—was the first of the general eyres to be held in England during the opening years of Edward III's reign. It has not only the distinction of being the first of this series of general eyres, but, indeed, it may be looked upon as the first step openly to be taken by Edward III to free himself from the undesirable guardianship of his mother, Queen Isabel, the consort of Edward II, and Roger Mortimer of Wigmore. At the parliament held in Northampton in 1328, and even more so at the council held at Windsor in the first half of 1329, so we are told by the many contemporary MSS. of this eyre, complaints were so vociferous as to the lawlessness of the entire country and the oppressions of many of the " great men of the realm ", that Edward III, with the consent of that parliament, ordered the establishment of justices of the peace throughout the land.[1] Whether or not the question of sending out justices

[1] " Et puis Sire Geffrei dit : Beux Seignours, les vns de vous qestes cy venutz sauez la cause pur qei ceste eire est ordeigne, et plusours nemie, par qei al Parlement (drein[i]) tenutz a Northampton pleintes vyndrent a nostre seignour le Roi, de totes coustes du Roialme, qe le people fust si malement demeigne par diuers oppressions des grauntz et par extorciouns de meyntenours et duresces des baillifs et homicides et larcines faitz par totez partz en le Roialme, de qei plusours de totes partz qi se sentirent greuez prierent de ceo eide et remedie. Et les pleintz oyz le Roi et les grauntz a ceo Parlement esteauntz par comoune assent ordinerunt en totes partz en le Roialme, en chescun Countee ordeinerunt gardeins de la pees de tiels tortz, trespas, homicides et felonies redrescer, nient aresteaunt la dite ordeignance al consail le Roi tenuz a Wyndesore ou assemble furrent tous les grauntz de la terre les pleintes de totez partz vyndrent al Roi de mesfetz

itinerant was discussed and partially decided at this same parliament is not altogether clear, but we do know that as a result of this parliament and the ensuing one held at Windsor, the king with their consent ordered the whole of England to be subjected to a visitation by justices itinerant.[1] The county of Northampton was the first to be visited by such justices as a result of this particular plan of Edward III to re-establish the peace and to establish his own personal authority as king of England. We have it on the authority of two contemporary MSS. that Northampton was selected for this dubious honour by reason of the fact that it was in " the middle of the realm ".[2] Whatever

auantditz plus ostroitement com auant ne fesoient priauntz de mesfetz remedie, par qei le Roi pria a tous qe illoeqes furent assemblez qe eux ordeignerunt voye coment la pees de sa terre poet meutz estre salue et garde et coment tiels mesfetz en nule manere purreient estre redrescez; entre queux cestes choses furent parlez et debatuz et moustre fust illoeqe qe la pees ne fust mie garde ne meintenu com auant cel temps auoit este en temps dautres Rois pur ceo qe en temps des progenitours cesti Roi Eyres soleient estre de vij. aunz en sept aunz par tut le Roialme, par queux la pees de la terre fust bien meintenu et garde et dreit fait as riches et as poures, par qei les grauntz [assentiront qe Eyre serreyt par tote la terre, sur qei la commonalte] illoeqes assemblez prierent au Roi qe a ceo volleit acorder par qei la pees de sa terre poeit estre garde et salue et les ditz mesfetz et trespas estre redrescez, et le Roi a lour requeste a ceo acorda. Par qei entre vous grauntz, nous vous chargeoms de part le Roi et prioms com a noz seignours et amys qe vous ne sustenez meyntenours de malueises quereles ne gentz rettez de malueise fame, mes qe vous soiez eidauntz qe la pees nostre seignour le Roi soit garde et qe les ditz mesfesours soient punitz issint qe cours de lei se face com auant ses houres fust fait par reson del eire auantdite."—Lincoln's Inn Hale MS. 72, fo. 4. The words in brackets have been added from British Museum Egerton MS. 2811. The same statement is also found in Lincoln's Inn MS. 137(1), Lincoln's Inn MS. 137(2), Bodleian Library, Rawl. MS. C. 187, Congressional Law Library, MS. 7 IJ, and in British Museum Egerton MS. 2811. This matter is reported in Bodleian Library, Tanner MS. 13 N thus: " Pus SCROPE rehercea la manere coment le Roi en plein parlement, par comun assent des prelatz et des touz les grantz du Realme et de tute la comonalte, aueit graunte pur establissement de la pees Eir par mi tut son realme, cest assauer vn pair des Iustices decea Trente et altres dela aerrer [*sic*] de Counte en Counte par tut le realme et coment les grantz granterent al Roi qe nul homme endite ou entagle ne serreit par euz meintenuz contre la lei." See below p. 389, n. 2 for the account given in British Museum Add. MS. 5924 and in Leicester MS. 243. This matter was not reported by the scribe of Latin MS. 180.

[1] See p. 388 n. 1 and n. 2 *infra*.

[2] " Et puis dit Sire G.: la cause pur qoi le Eyre fut ordine en parlement a Northampton et a Wyndesore par comoun consail pur ceo qe la pees de la terra ne fut pas tenue com deuoit estre et soleit en temps de progenitours le Roi quant les Eyres furent tenuez de vij. aunz en vij. aunz, par qoi le Roi adonqe ordeina

the reason for starting this programme of general eyres at Northampton, whether geographical or because the parliament had been held here when this programme may have been first suggested, the programme was to be short lived. A week after the justices itinerant opened their sessions at Northampton a similar commission of justices itinerant opened a like general eyre at Nottingham,[1] and upon the completion of these two general eyres early in 1330 Bedfordshire and Derbyshire were subjected to like visits.[2] With the conclusion of the eyres in these last two mentioned counties the programme of establishing law and order by means of general eyres was abandoned. Thus, the Northampton Eyre of 1329 was the first of the last series of general eyres ever to be held in England, and as such it marks the opening of the final chapter of the institution of the general eyre as a part of the organised royal judicial machinery.[3]

ceste Eyre solom les articles adounqe ordenez et solom lestatut auaunt fait et comence a ceo Counte pur ceo qe cest en millewe de son realme etc."—British Museum Add. MS. 5924, fo. 3^{v} and Leicester MS. 243.

[1] The Eyre of Nottingham opened at Nottingham on the Monday next after the feast of St. Martin, that is to say on 12th November, 1329. The justices at NORTHAMPTON were Geoffrey le Scrope, John de Cantebrigge, John de Radenhall, Thomas de Louther, Peter de Middleton, and Thomas de Radeclif. The justices at NOTTINGHAM were William de Herle, Robert de Malberthorpe, Robert de Scorburgh, Robert de Thorpe, Henry Fenton and Nicholas Fastolf.

The Eyre of BEDFORD opened at Bedford on the Monday next after the feast of the Nativity of St. John the Baptist (*Cal. Close Rolls* (1330-1333), p. 30) before Robert de Arderne, John de Cantebrigge, Thomas de Louther, Nicholas Fastolf, John de Radenhall and Thomas de Radeclif. The Eyre of DERBY opened at Derby on the Monday next after the Feast of the Apostles St. Peter and St. Paul (*Cal. Patent Rolls*, 1327-1330, p. 521) before William de Herle, Robert de Malberthorpe, Robert de Thorpe, Robert de Scorburgh and Nicholas Fastolf.

[3] In the fourteenth century the view of how best to enforce the peace in the localities underwent many changes. These views included (in addition to the general eyre) the sending of the King's Bench on tour ; the use of Justices of the Peace ; and the use of Commissions Trail Baston. The question of the extinction of the eyre is a complex and confusing one. After the close of the Bedford and Derby Eyres early in the fifth year of Edward III's reign (1331), there were at least three (and possibly more) occasions on which the king used the threat of a general eyre. In January of 1334 (8-9 Edward III) the County of Kent, having earlier offered a payment of £500, agreed to a payment of 1000 marks in order to have an eyre superseded (*Eng. Hist. Rev.*, xlviii, 480-481 (1941)). On 20th January, 1340 (14 Edward III) an eyre was proclaimed for the City of London and there is some evidence that the eyre actually opened. An inspection of the Assize Rolls, however, indicates that it could not have lasted at

But there is little more we can say with any degree of accuracy, either of the historical and political importance of this series of four general eyres, or of the legal significance of the "judicial reasoning" in the hundreds of cases which were here heard and adjudged, until the many contemporary MSS. have been edited and published. So far as concerns the contemporary MSS. the Northampton Eyre again seems to have a special claim to distinction, for no other general eyre seems ever to have been recorded at such great length or by seemingly so many individual "reporters". There are seventeen known contemporary MSS. of it and a further one is reported to have existed as late as the beginning of the present century.[1] Four are in the British Museum; three in Lincoln's Inn Library; three in the Bodleian Library; and one each is in Cambridge

most more than a few days. See the Introduction by Pike to *Year Book*, 14-15 *Edward III*, pp. xlii-xlvii (Rolls Series). See also Bolland, *The General Eyre*, p. 95 (Cambridge, 1922). The alleged Eyre of Kent of 22 Edward III (1348)—see Putnam, *Justices of the Peace*, Intro., p. xlvi (Ames Foundation, 1938)—on all the existing evidence does not seem to have amounted to more than a threat to hold an eyre. Assize Roll 393 indicates that this was no more than an abortive attempt and that the people of the County once again bought off the perils of such a visitation. In any event a commission to hold a general eyre after 14 Edward III, even though entitled an "eyre commission", was not comparable to a like commission prior to that date. Presentments of Englishry were abolished by Statute in 14 Edward III and, so the many contemporary MSS. tell us, this was one of the "principle reasons" for the holding of an eyre. It seems clear enough that the general eyre as an instrument of royal justice ceased in fact to be used as such after the eyres of Bedford and Derby in 1330-1331.

[1] The MSS. of the Northampton Eyre, 3 Edward III (1329), are: *Ca* = Cambridge University Library MS. Hh. 2. 4, fos. 283-284; *Cw* = Congressional Law Library MS. 7 IJ, fos. 3-51; *Bc* = British Museum Add. MS. 5924, fos. 1-28^{v}; *Bg* = British Museum Add. MS. 24063, fos. 2-25; *Bh* = British Museum, Egerton MS. 2811, fos. 243-336; *Bo* = British Museum, Harl. MS. 739, fos. 39-41^{v}; *Eu* = Edinburgh University Library MS. 182, 4 folios; *Ha* = Harvard University Law Library MS. 3, fos. 1-31; *La* = Lincoln's Inn MS. 137(1), fos. 1-47; *Lb* = Lincoln's Inn MS. 137(2), fos. 241-290; *Ld* = Lincoln's Inn Hale MS. 72, fos. 1-56; *Lx* = Leicester MS. 243, cols. 33-140; *Ob* = Bodleian Library MS. 364, fos. 192-227; *Os* = Bodleian Library, Rawl. MS. C. 187, fos. 1-40; *Ot* = Bodleian Library, Tanner MS. 13 N, pp. 311-413; *Rd* = Rogers MS. 106, fos. 117-121; and *Ry* = Rylands Library Latin MS. 180, fos. 1-55. Sir Charles Isham's MS. (see *Eng. Hist. Rev.*, lvi. 608, n. 1) has been lost since about 1887. This MS. is said to have contained the reports of this eyre. The MSS. listed here will be referred to hereafter by the letters given to them above. All are contemporary.

University Library, Library of Congress,[1] Edinburgh University Library,[2] Harvard University Law Library,[3] John Rylands Library, the Earl of Leicester's Library at Holkham Hall,[4] and one *penes me*.[5] Together they represent some 1,470 pages of eyre procedure and reports of cases heard before the justices sitting in eyre. Here, buried in some fifteen millions of abbreviated legal fourteenth-century French words is one of the, as yet, greatest single untouched sources not only of the history of our common law but also of many aspects of English political, economical and social history of the early fourteenth century. These contemporary MSS. of the Northampton Eyre of 1329 represent, in short, one of the truly great living monuments of our history.[6] Here may be viewed in the majestic stream of justice, in language, if sometimes seemingly untutored by

[1] For an account of this MS. see Rogers, " Manuscript Year Books for 1-10 Edward III (1327-1337) ", *Eng. Hist. Rev.*, lv. 562 *seqq.* (1940).

[2] Edinburgh University Library MS. 182 consists of 26 vellum leaves of which folios 1^{r}, 1^{v}, 2^{r}, 2^{v}, 4^{r}, 4^{v} and 25^{r}, 25^{v} (the first, second, fourth and last leaves) contain reports from the Year Book, Northampton Eyre, 3 Edward III. The remainder of the MS. consists of the text of *Flores Dictaminis Petri de Vineis* and *Collections of Proverbs or Sayings*. The fourth leaf, as it is now bound, and referred to above, is numbered " 26 " and should follow folio " 25 ", which is the last leaf of the MS. The headings have been cut away and the leaves are in a poor state, having served at one time or other as covers, I take this opportunity to thank Charles P. Finlayson, Esq., Keeper of the MSS. in the Library of Edinburgh University, for making this MS. available for study.

[3] For an account of this MS. see the article cited *supra*, n. 1.

[4] For an account of this MS. see Rogers, " The Need for a Bibliography of English Legal Manuscripts ", *Law Library Journal*, xliii. 45 *seqq.* (1950).

[5] See the article cited *supra*, n. 1, for a detailed account of this MS. I have discussed the relationship of some of these MSS. (so far as relates to the reports of the Derby Eyre) to Fitzherbert's *La Graunde Abridgment* in " A Source for Fitzherbert's ' La Graunde Abridgment ' ," *Eng. Hist. Rev.*, lvi. 605 *seqq.* (1941).

[6] The importance of a better understanding of the administrative and judicial work of the institution of the justices in eyre in England has long been recognized. See especially the introduction by Professor Hazeltine to Bolland, *The General Eyre*, xi-xiv. See also Bolland, *Manual of Year Book Studies*, 38 *seqq.*, and the introductions to *Year Book, Eyre of Kent, 6-7 Edward II* (Selden Society Pub., Vols. 24, 27, 29). See also Cam, *Studies in the Hundred Rolls*, 104-113 (Oxford Studies in Social and Legal History, VI). For some of the more important "firsts" in the history of our common law which seem to have been until the present day entombed in the reports of these eyres of 1329-1330 see Rogers, " The Editing and Publication of the Year Books of the Reign of Edward III ", *Law Library Journal*, xliv, 71 (May 1951).

modern twentieth-century standards, nonetheless always picturesque and with an almost Pickwickian candour,[1] a history of fourteenth-century life and intrigue which has until the present been untold.

This is unfortunately not the place—nor has the time yet arrived—to tell even in part the story to be gleaned from these MSS. For the present we must be content to describe in some detail, if not the most complete or always the most perfect, then one of the most interesting of them—John Rylands Library Latin MS. 180. In so doing, the occasion will be taken to point out some of the outstanding differences between this MS. and its fellows. More than this we are unable to do, for to discuss ever so briefly so great a number of contemporary MSS., whether that discussion be limited either to their physical features, their differences textually the one from the other, or their contents, would soon extend this paper beyond any reasonable length.

Latin MS. 180 was purchased by the John Rylands Library in 1910. It had formerly been in the Phillipps Collection, where it bore the number 10178, and at some time earlier had been in a collection where it had been listed as " Latin MS. 239 ".[2] It is a folio volume (265 · 190 mm.) of 55 vellum leaves. There is an average of 50 lines to the page and from 20 to 25 words to a full line. It was written from beginning to end by one scribe and would seem to be a work which, once taken in hand, was not laid aside until completed. The *marginalia* vary from the simple catch-word type to a few rather good abstracts of legal matters and most, if not all, seem to have been written by the scribe who

[1] The reports of the Northampton Eyre of 1329 are particularly rich in this respect.

[2] I take this opportunity to thank the authorities of the John Rylands Library for permission to take photostats of this MS. for study. I thank Dr. J. S. Roskell, Senior Lecturer in History, University of Manchester, and Dr. F. Taylor, Keeper of MSS. in the John Rylands Library, Manchester, for the help they have given me in the preparation of this article for publication. I would like to add, however, that the conclusions reached are mine alone and for such errors as may remain I alone am responsible. I also take this opportunity to extend my personal thanks to Professor Edward Robertson, Librarian, the John Rylands Library, Manchester, for his kindness in discussing this matter with me by mail on numerous occasions.

wrote the text.[1] Unfortunately, some of the better of these longer *marginalia* have been partially destroyed by the MS. having been cut in binding. The leaves have been foliated from 1 to 55 by a later hand. The MS. opens on folio 1^{r} with the heading "*Incipit Iter Northamptonie Coram Galfrido le Scrop, Iohanne de Cant[ebrigge] et sociis suis Anno Regni.*"[2] A later hand has added "*E[dwardi] tertij tertio*". There are running headings at the tops of ff. 7^{r}-10^{r}, 11^{v}-20^{r} (*Iter* on the verso of the leaves and *North*' on the recto) and again on ff. 23^{v}-24^{r} in seemingly the hand of the writing scribe. The rest of the heads of the folios were originally left blank but in one or two places a later hand (probably seventeenth century) has added other headings. The handwriting of the scribe, while not unpleasant or difficult to read, lacks the more formal stiffness of professional scribes of this period.[3] It is only when one has studied all seventeen of the MSS. of this eyre in some detail that the impression is reached that Latin MS. 180 may have had some more or less provincial character. That the scribe of this MS. was untrained in the language seems clear. Apart from an almost total disregard for gender, his spelling, while sometimes unusual, is for the most part uniform.

Something must now be said concerning the contents of Latin MS. 180. Ff. 1 to 6^{v}, l. 17 are taken up with an account of the preliminary proceedings at the opening of the eyre. This includes not only copies of the "common summons", the sheriff's return thereto, the various commissions to the justices and the articles of the eyre, but also an attempted verbatim account of what was said by the justices and by others present when they were afforded an opportunity to speak.[4] The reports of "civil" cases—both common pleas and pleas of *quo warranto*—begin at f. 6^{v}, l. 18 and continue to the middle of f. 45^{r}. The

[1] There are a few notes in the margins by a much later hand.

[2] At the front there are two and at the back one blank end-leaves of paper. The end of the heading comes at the end of the line and has been damaged so that the reading of the last word is questionable.

[3] If I were to make a guess about the scribe of Latin MS. 180, I would suggest that he was a man well past middle age who either lived in the county of Northampton or who had some very close associations with that county.

[4] See below, Appendix I, paragraphs 17, 22, 27.

"*Placita Corone*" begin abruptly at this point on f. 45[r] and run to f. 55[r], l. 7. The remainder of f. 55[r] and the whole of f. 55[v] are taken up with a series of definitions of terms having to do largely with claims of franchises, e.g. Sok, Sak, Tol, Them,[1] Infangetheof.[2] Thus we may divide Latin MS. 180 into three parts for the purpose of considering its contents in some detail and also for the purpose of trying to reach some conclusion as to its origin.[3] These three parts may be described as: (i) *Processus Itineris*, (ii) *Placita Communia et Placita de Libertatibus* and (iii) *Placita Corone*. Suffice it to state at the outset that Latin MS. 180 in its entirety could not be a copy of any one of the other known MSS., for none of them agrees with it closely enough either in content or arrangement of matter to have been used for this purpose. Moreover, Latin MS. 180 could not have been composed from the source used by any one of the other MSS. for the same reasons.

(i) *Processus Itineris*. The account of the preliminary proceedings of the Northampton Eyre in Latin MS. 180 differs in nearly every respect from the similar account given in the other MSS. The scribe of this MS. attempted to reproduce verbatim what was said during these opening days and did not, as did the scribes of most of the other MSS., attempt in part to give a narrative account of the more or less formal proceedings. For example, instead of recording that "It was ordered that cry be made that no fair or market be held", as do most of the other scribes, the scribe of Latin MS. 180 recorded "Scrop[e]: Thomas,[4] cause Ye cry to be made that no fair or market be held". As concerns matters reported in common by Latin MS. 180 and the other MSS., there is an almost total lack of agreement textually.[5] So, too, Latin MS. 180 does not agree

[1] *Sic.*

[2] A similar list of definitions is to be found in Cambridge University Library MS. Dd. 7. 14, fol. 47[v].

[3] The MS. is, however, written from beginning to end without a break. For an account of the MSS. of the eyres of Bedford and Derby see Rogers, "Law Reporting and the Multiplication of Law Reports in the Fourteenth Century", *Eng. Hist. Rev.*, lxv:, p. 481 (October 1951).

[4] The Thomas mentioned here seems to have been Thomas Wake, Sheriff of Northampton during this time.

[5] See the footnotes to Appendix I printed below.

with any one of the others so far as concerns the order of the matters reported in this part of the report of the Northampton Eyre. Of even greater importance, however, is the fact that there are a number of matters reported in Latin MS. 180 which are not to be found elsewhere.[1] The whole of this section of Latin MS. 180 is written without any divisions but for the purposes of this study the separate items of business have been numbered and broken down into paragraphs.[2] We have printed below [3] the whole of the account of these preliminary proceedings as reported in Latin MS. 180, both to demonstrate, if demonstration were necessary, the historical value of this MS. and also to provide an example of the work of this particular scribe.

A few words must be said, to conclude this discussion of this " section " of the report of the Northampton Eyre, concerning the account of the preliminary proceedings found in the other MSS. The other MSS. containing an account of *Processus Itineris* fall into seven distinct groups,[4] viz. : (1) La, Lb, Ld, Os ; (2) Cw ; (3) Bc, Lx ; (4) Bg ; (5) Ob, Ha ; (6) Bh ; and (7) Ot.[5] In the footnotes to Appendix I below are given variants of various paragraphs found in these MSS., to illustrate how they differ from Latin MS. 180. We can state categorically that Latin MS. 180, so far as concerns these preliminary proceedings, is not itself a copy of any of our other known MSS. and, moreover, had a source for this part of the report of the Northampton Eyre which was entirely independent of any of them.

(ii) *Placita Communia et Placita de Libertatibus.* Latin MS. 180 contains 165 reports of cases of common pleas and of pleas of *quo warranto*.[6] These two classes of cases are here

[1] Paragraphs 7, 32 and 38 of Appendix I printed below do not appear to be reported in any of the other MSS.

[2] As noted above (p. 395 n. 3) there is no division whatsoever in the MS.

[3] Appendix I. The prices of foods and drinks (paragraph 32) are not reported in any of the other MSS. The reference to the apprentices at law (paragraph 39) is found elsewhere only in Congressional Law Library MS. 7 IJ.

[4] There are no preliminary proceedings reported in MSS. Ca, Bo, Eu, Rd.

[5] This division of these MSS. refers only to this particular " section " of the report of the Northampton Eyre.

[6] A study of the reported cases of *quo warranto* found in the MSS. of the Northampton Eyre of 1329 perhaps throws more light on the origin of Latin MS. 180—and incidentally the history of law reporting in the early fourteenth

intermingled and are not, as in the case of all the other MSS. of this eyre containing these reports, segregated as two separate groups. The arrangement of the cases in Latin MS. 180 is entirely unlike that of any of the other MSS.; and, indeed, with the exception of MSS. La, Lb, Ld, Os (which are alike both in arrangement of the cases and in the reading of the text throughout), no other two of the MSS. agree on the order of the cases.

The 165 reports of cases found in this part of Latin MS. 180 fall into 22 groups:[1] *Ael*, 1; *Besael*, 1; Champarty, 1;

century—than does a study of any of the other "sections" of these MSS. Reports of *quo warranto* are found in 12 of the 17 MSS. containing the report of this eyre, viz.: La, Lb, Ld, Ob, Os, Ot, Ha, Cw, Bc, Bh, Lx, Ry. If we consider the *quo warranto* reports as a separate "section" of the reports of this eyre (as they are found in all of the MSS. except Ry) we can group these 12 MSS. into three families so far as concerns these particular reports, viz.: A=La, Lb, Ld, Ob, Os, Ha, Cw, Bc, Bh, Lx; T=Ot; R=Ry (Latin MS. 180). Of the 71 reports of *quo warranto* found in the basic MSS. of the A family, e.g. MSS. Ld, Lb, Os, Ha, Bh, Cw, Lx (MSS. La, Ob, Bc are incomplete at this particular point) only 21 can be identified with any of the 30 reports of *quo warranto* found in Latin MS. 180. In every instance the version of these 21 cases as found in Latin MS. 180 is completely different from that found in the A MSS. On the other hand, all of the 71 reports of *quo warranto* of the A MSS. are given in Ot and are there not only given in practically the same order but in every instance the reading of the text of Ot agrees with that of the A MSS. The only reason why it seems necessary to designate Ot as a separate family is that it contains a number of reports of *quo warranto* which do not seem to be found in either the A MSS. or in Latin MS. 180. Thus Latin MS. 180 contains 9 reports of *quo warranto* not found in either the A or the T MSS., i.e., not found in any other known MS. of this eyre. It is possible to conclude then that at least two men reported the cases of *quo warranto* at Northampton in 1329, one of whose notes went to make up the basic MS. of the A family and the other whose notes were transcribed into our Latin MS. 180. The fact that there are some reports of *quo warranto* found in Ot not found in the A MSS., coupled with the fact that the basic 71 cases of *quo warranto* found in both A and Ot are identical as to text, would seem to indicate that the A MSS. stem from the source used by the scribe of Ot and that these cases found in Ot (and not in A) were omitted for one reason or another from the A MSS. The resulting conclusion from these statistics is that two basic sets of reports were made of the *quo warranto* cases at Northampton in 1329 and that these two sets of reports represent our basic two families (I) Latin MS. 180 and (II) Ot and A. This, of course, gives some concrete foundation for the theory that there were two reporters engaged in law reporting at this date.

[1] The figures after the forms of action represent the number of reported cases in Latin MS. 180.

Cosinage, 1 ; *Cui in vita*, 9 ; Debt, 6 ; Detinue, 2 ; Dower, 7 ; Entry, 12 ; Escheat, 3 ; Formedon, 13 ; Mortdauncestre, 2 ; Form of action unspecified, 27 ; Novel disseisin, 32 ; *Precipe quod reddat*, 2 ; *Quare impedit*, 2 ; *Quo Warranto*, 30 ; Replevin, 2 ; Writ of Right, 6 ; Scire facias, 1 ; Trespass, 3 ; Wardship, 1. There are also two cases which properly belong to the *Placita Corone* mixed in among these " civil " cases. Over 50 per cent. of the cases in which the form of action is unspecified deal with points of law touching upon the old possessory actions. It is thus to be seen that the reporter who took these reports was little interested in personal actions, and that his main interest (other than a general one in the pleas of *quo warranto*) was in those cases dealing with real property rights. In this respect he differed greatly from the reporter responsible for the largest identifiable group of MSS. (La, Lb, Ld, Os) containing the largest number of cases from this eyre. This group contains 32 types of forms of action and, in contrast to Latin MS. 180, contains 22 reports of action of Debt ; 7 actions of Detinue ; 5 actions of Trespass ; and 71 reports of pleas of *quo warranto*. In addition, the A group of MSS. (La, Lb, Ld, Os) gives reports of 1 action of account, 2 actions of annuity, 3 actions of covenant, 1 action of *jurata utrum* and 1 action for waste. This same variance in interest of the " reporter " in the types of cases reported may be seen in the Cw : Rd group of MSS. and in the Bc : Ha, Ob, Ot, Lx group (or groups).

Of the 165 reports of cases found in this " section " of Latin MS. 180, only 72 can be identified positively as being variants of reports of cases in the A group of MSS. Less than 10 per cent. of the remainder can be identified with any of the reports in the other MSS.

With the single exception of MSS. La, Lb, Ld, Os, as noted above, it is not possible definitely to arrange the 14 MSS. containing a full account of these reports into distinct groups. However, for the majority of the cases they may be divided into four groups, viz. : (*a*) La, Lb, Ld, Os, Bg, Bh ; (*b*) Bc, Ha, Ob, Ot, Lx ; (*c*) Cw, Rd ; and (*d*) Ry [Latin MS. 180].[1] The MSS.

[1] This grouping refers only to the " civil " cases (common pleas) and differs from the grouping mentioned above for " section " one (see *supra*, p. 396, n. 6).

of group (*b*) occasionally split into two separate groups (Bc, Ha, Ob and Ot, Lx) and often for certain reports of cases any of these MSS. may join one of the other groups. Of the 72 reports of cases in Latin MS. 180 which it is possible to identify with the A group of MSS., less than one third agree closely enough with the version reported in common to permit collation. Of the remaining 93 (those in Latin MS. 180 not identified in the A group) it has been possible to identify only 10 or 11 definitely as variants of a case reported in one of the other MSS. Of these 10 or 11, less than half are closely enough related to be " within the limits of collatability ". In other words, the relationship between Latin MS. 180 and any of the other MSS. is, textually speaking, almost non-existent.

To illustrate this variation, we print below four reports which the several MSS. have in common.[1] The first, that of an assize of novel disseisin by William (or John) Brown against William of St. Moore (or Semor), is reported in 14 of the MSS. in 5 versions: (*a*) La, Lb, Ld, Os, Bg, Bh; (*b*) Ry; (*c*) Cw, Rd; (*d*) Bc, Ha, Ob; (*e*) Ot, Lx. Since this report runs to considerable length (and this applies equally to the remaining reports mentioned below) we have printed only the full account as given in group (*a*) and in Latin MS. 180. At one or two points in the footnotes to these texts we have given selections from groups (*c*), (*d*) and (*e*) to demonstrate the variations they contain.

The second report printed below to illustrate this same variation is given 14 times in 13 of the MSS. (MS. Bh containing 2 separate reports of this case) in 4 versions. The grouping of the MSS. is the same as indicated above, except that groups (*d*) and (*e*) join to give a common version.

The third report printed below is quite unlike the last two mentioned above. This case is reported in 12 of the MSS. in only 3 versions, viz.: (*a*) La, Lb, Ld, Os, Bh; (*b*) Ry, Cw, Ha, Ob and (*c*) Bc, Ot, Lx. Again the third version has not been printed in full.

The fourth, and final, case which has been selected to illustrate the possible variations is reported in 13 MSS. in 2 versions,

[1] Appendix II.

viz.: (*a*) La, Lb, Ld, Os, Ot, Cw, Bc, Bg, Ha, Ob, Lx, Bh and (*b*) Ry.

Thus, for this "section" of Latin MS. 180, based on the foregoing statistics, we are able to reach the following conclusions: (1) There is no relationship between this MS. and any one of the others so far as concerns the order or the arrangement of the reports. (2) Approximately 55 per cent. of the total number of cases reported in Latin MS. 180 are not identifiable with any reports of cases given by any of the other MSS. (3) For approximately one third of the 72 cases reported in common by Latin MS. 180 and the large A group of MSS. there *may be* some relationship as to source of text. (4) For approximately 10 per cent. of the 93 cases reported in Latin MS. 180 and not reported in the A group, there may be some relationship with various of the other individual MSS., but for the remaining 90 per cent. of this group there appears to have been no relationship as to source between Latin MS. 180 and any of the other known MSS. These somewhat complex, if not confusing, statistics may be summed up by stating that only for a very small percentage of the cases reported in Latin MS. 180 do we find any evidence whatsoever of a relationship between that MS. and any of the other MSS. of this eyre. It would seem safe to conclude that the original source for this selection of cases in Latin MS. 180 was independent of and separate from the source used by any one of the other scribes.

(iii) *Placita Corone.* Latin MS. 180 contains 127 entries relating to "Pleas of the Crown", of which 18 are nothing more or less than short abstracts of legal points extracted from the Assize Rolls, so that there are, in fact, only 109 reports of criminal cases. Reports of the Pleas of the Crown for the Northampton Eyre of 1329 are found in 12 of the 17 MSS. reporting this eyre: MSS. La, Lb, Ld, Os, Ha, Bh, Ca, Cw, Lx, Ot, Bc and Latin MS. 180. An examination of their contents discloses that they fall into four sharply defined groups for this series of criminal reports, viz.: (*a*) La, Lb, Ld, Os, Ha, Bh, Ca, Cw; (*b*) Lx, Ry; (*c*) Ot and (*d*) Bc. Of the 109 reports of criminal cases reported by Latin MS. 180, all save 22 are identifiable with cases reported in the A group

of MSS. and they are all there reported in substantially an identical version. Four of these 22 unidentified reports are found in the (c) group (Ot). All of the "*Placita Corone*" reported by Latin MS. 180 are found in MS. Lx and they are there reported not only in the same version but also in substantially the same order. At least seven of the reports of criminal cases (from among the 22 reports not found in the A group) found in Latin MS. 180[1] do not seem to be reports of cases heard before the justices itinerant at Northampton in 1329. Six of these 7 are identifiable with cases reported in the black-letter text of the Year Books of 1 and 2 Edward III and also found in the many contemporary MSS. of the Year Books of those two years. Internal evidence shows that some of them were heard before Bourchier, J., so they could not have been heard in eyre at Northampton in 3 Edward III. The seventh is the criminal case reported in the black-letter text of *Year Book, Easter, 15 Edward II*, fo. 463. This case would seem properly to belong to the year assigned by the black-letter text since it is to be found in several (if not all) MSS. of the Edward II Year Books.[2] There is no ready explanation as to how these seven (or possibly more) cases came to be included with the "*Placita Corone*" for the Northampton Eyre of 1329 in Latin MS. 180.[3]

While there is no over-all agreement between the A group of MSS. and Latin MS. 180 as to the arrangement of the cases, there is a measure of agreement which can only be the result of some common origin. For instance, cases 60 to 99 of the A group are found reported in Latin MS. 180 as cases, 197-200, 203, 202, 205, 206-209, 210, 211, 212-238.[4] Such an arranged agreement of these reports could not be mere accident.

[1] And also in MS. Lx.

[2] From internal evidence in the report it is obvious that it must have been heard before the end of the reign of Edward II. [3] And also MS. Lx.

[4] I have numbered the reports of cases in Latin MS. 180 consecutively from beginning to end. The reports of the A group of MSS. have been numbered as three separate sets (Common Pleas, Pleas of *Quo Warranto* and Criminal Pleas). The relationship in the order of the cases is nonetheless obvious. The case numbers given here for these criminal cases in Latin MS. 180 refers to the sequence of these same cases in the A group of MSS. (e.g. group A cases 63, 64, 65 are cases 200, 203, 202 in Latin MS. 180).

Thus Latin MS. 180 (and MS. Lx) had a source common to MSS. La, Lb, Ld, Os, Ha, Bh, Ca, Cw for 87 reports of criminal cases. For four further reports of such cases the scribe of Latin MS. 180 had a source seemingly common to MS. Ot. For the remaining 18 reports (not considering the abstracts from the Assize Rolls) Latin MS. 180 obviously had a source independent of any of the others, except MS. Lx. Moreover, these 18 " unique " reports are all found at the end of the reports which are identifiable with reports of cases found in the A group of MSS. MS. Lx could either be a copy of this section of Latin MS. 180 or it could have been the source from which the scribe of Latin MS. 180 drew for these reports.[1] It seems clear enough that for the large bulk of reports of criminal cases of the Northampton Eyre of 1329 there was but one common source to which the scribes of MSS. La, Lb, Ld, Os, Ha, Bh, Ca, Cw, Lx and Latin MS. 180 had access. MSS. Ot and Bc contain only a few reports of criminal cases, and the few they contain are for the most part not to be found in any of the other MSS. Thus, for this " section " of the report of the Northampton Eyre it seems likely that the scribe of Latin MS. 180 did not have any extensive private source independent of the source used by the scribes of the other MSS. containing a complete set of the Pleas of the Crown for this eyre. If we were to hazard a conjecture, it would be that there existed at the close of this eyre one complete set of notes of reports of criminal cases to which the scribes of group (*a*) and (*b*), as mentioned above, had access. In addition to this " complete " set of criminal reports there existed notes of a few criminal cases made by some two or three independent " reporters ". More than this it is not possible to say in the existing state of our knowledge concerning the question of law reporting and the multiplication of law reports in the early fourteenth-century.

General conclusions. What general conclusions are we able to reach on these statistics with regard to the origin of Latin MS. 180? It seems indisputable that the scribe of this MS.

[1] It seems unlikely that two separate scribes working independently with a bundle of " loose slips of parchment " upon which notes had been made in court would have copied the cases out into MS. form in exactly the same order.

was present at the opening of the Northampton Eyre in November 1329 and made notes of the proceedings himself which he later transcribed into the *Processus Itineris* as these proceedings are here recorded. This set of notes was not copied out into any other MS. now known to exist. This same scribe seems to have been present also during the trial of civil cases and during the trial of pleas of *quo warranto* and to have reported a great number of such cases which he later transcribed into the MS. as we now have it. That he personally reported many cases is clear. But, inasmuch as the scribe of Latin MS. 180 was busy "reporting" these "civil" cases, he could not report the Pleas of the Crown (which seem to have been heard simultaneously with the hearing of the "civil" pleas),[1] and it was therefore necessary for him to obtain from the main "reporter" of the criminal cases either the notes or a transcript (such as MS. Lx) of those notes. From the arrangement of the 87 reports of criminal cases reported in common in MSS. La, Lb, Ld, Os, Ha, Cw, Ca, and in MSS. Lx and Latin MS. 180 it seems likely that the slips which were used as the source for the transcripts of MSS. La, Lb, Ld, Os, Ha, Cw, Ca were used by the scribe of Latin MS. 180.[2]

One thing may be said with certainty, namely, that Rylands Latin MS. 180 is an unique source for a great number of reports of cases heard before the justices itinerant at Northampton in 1329. It is a manuscript a more detailed study of which will enrich the knowledge of those interested in the history of our common law.

[1] A study of the many contemporary MSS. of the eyres would seem to indicate that the justices itinerant sitting in general eyre sat simultaneously in at least two divisions: one for the hearing of crown pleas and one for the hearing of civil pleas. Louther, J., seems to have heard the crown pleas at Northampton in 1329 and from the reports it would appear that he did not sit to hear civil pleas. It seems probable that there must have been this division of business among the justices for otherwise so great a volume of business could not have been disposed of within the time at their disposal.

[2] I have gone fully into the question of reporting in the early fourteenth century upon loose slips of parchment, and their later transcription into MS. form, in my paper "Law Reporting and the Multiplication of Law Reports in the Fourteenth Century", *Eng. Hist. Rev.*, lxvi, p. 481 (1951). See also Bolland, *Y. B. Eyre of Kent, 6-7 Edw. II*, Pt. II, p. xxxvii *seqq.* (Selden Society, Vol. 27).

It is suggested that a thorough study not only of this important historical manuscript, but also of the numerous other contemporary manuscripts of the eyres held in Northampton, Nottingham, Bedford and Derby in 3 and 4 Edward III (1329-1330), would be exceptionally productive to the student of nearly every aspect of English economical, legal, political and social history. It is likely that such a study as this would possibly help to bring to light some of the historical bases of present day life and law through a clearer understanding of the "legal authority" for the holding of a general eyre; the social and economic influence upon the people of the counties visited by justices itinerant; and, finally, by an observation of the functional operation of the eyre as a court.[1] At the same time it will afford the student of comparative legal history with a back-drop against which he could compare the institutions of the *missi-dominici* of the Frankish kingdom in the Carolingian period, the *Staffelgericht* of the Frankish Palatinate, and the *Grand Enquête* of a somewhat earlier date in France. Of even greater importance than the mere comparison of like courts as institutions would be the opportunity afforded for a comparison of the substantive and procedural law of common law England and that of the Roman law continent of this period.[2] In the reported cases of

[1] The Court of the Eyre is the court to which official reference is first made in the earliest English public records (Great Rolls of the Exchequer). "As Charlemagne sent his *Missi* to his Counts, as William the Conqueror sent his [Domesday] Commissioners into the Shires, so William's son, Henry I (if indeed William Rufus and the Conqueror himself did not do the like), sent his *Missi* or Justices in Eyre throughout the country." Pike, *The Public Records and the Constitution*, p. 14. This statement was made on the authority of the earliest of the *Great Rolls of the Exchequer*. Bigelow, in his *Placita Anglo-Normannica*, p. 69, cites a passage in Dugdale's *Monasticon* (ii, 497), which shows that William Rufus sent "*optimates suos*" into the counties of Devonshire and Cornwall "*ad investigandum regalia placita*". To all intents and purposes this was nothing less than a Devon and Cornwall eyre for Pleas of the Crown.

[2] Here, in these reports of cases heard in the general eyres, will be found in England the final signs of the transition in the concept of criminal justice. At the beginning of the middle ages, in England as on the continent, criminal process did not differ substantially from a civil process: it was a litigation (*Appeal*) between two participants, the accused and his victim (or the victim's family). The criminal action was started upon the complaint, *clamor*, of the party injured or of a member of his family. (See Grand, "Justice Criminelle, procédures

quo warranto the student of English legal and political history will find striking examples of the great ecclesiastical orders in England claiming exclusive rights in the field of criminal justice, and putting forth, as against the claim even of the king, the right to administer criminal justice over "those within their jurisdiction".[1] Here in these *quo warranto* cases is to be found some of the earliest evidences of the subsequent conflict between church and crown.[2]

Here, too, in the reports of common pleas the student of legal history, and of comparative legal history, will find many examples evidencing a tendency towards a liberalisation of common law procedure.[3] This was a tendency which is likewise to be observed in Roman law Europe at this same period. In the early fourteenth century the common law of England as exercised and

et peines dans les villes aux xiii[e] et xiv[e] siècles", *Bibliothèque de l'École des Chartes*, CII. 51 [1941]. This is by far the best article of its kind on criminal justice in France in the period covered. See also Grand, "Saint Amant-de-Boixe. La Vie de Saint-Géraud d'Aurillac", *Bulletins et Memoires de la Société Archéologique de la Charente*, 1939.) But gradually, both here in England and on the continent, this *accusatoire* system was to give way in the thirteenth and fourteenth centuries to the *inquisitoire* system in which society stepped in between the parties and upon the testimony of witnesses, established the guilt or innocence of the accused. Even so late as 1330 in England traces of the *accusatoire* system of criminal justice are to be seen in the eyre reports of criminal cases heard in the general eyres of Northampton, Nottingham, Bedford and Derby. I hope to publish in the near future an article dealing with the history of arraignment and trial at common law.

[1] The Abbot of Peterborough both in the eyre of Northampton and in the eyre of Nottingham (1329) went so far as to claim that no ministers, not even those of the king," nor none other save his very own baillifs had a right to meddle within his franchise". Lincoln's Inn MS. 137(1), fol. 45 to fol. 46, and Lincoln's Inn Hale MS. 44, fol. 78.

[2] This conflict between the crown and the great ecclesiastical orders was common even at this early date to both England and France. For the best account of the conflict in France at this time see Grand, "Justice Criminelle", cited above, p. 404, n. 2.

[3] There is, indeed, much to be said for the theory that our system of equity jurisprudence arose from the liberal procedure of the justices sitting in general eyre. See the Introduction by Professor Hazeltine to Bolland, *The General Eyre*. I have touched upon this matter in the introduction to my edition of *Year Book, Eyre of London, 14 Edward II* (1314), (American Academy of Arts and Sciences, Memoirs, vol. xix, 1941), and in my paper "Historical Origins of Interpleader", *Yale Law Journal*, li, 924 *seqq.* (1942). On the question of the liberalisation of procedural rules as exercised by the justices itinerant see Latin MS. 180, ff. 11, 32, 36. I hope to discuss this matter at some length at a later date.

administered by the royal courts was a rigid system of *formulae*,[1] and in this respect differed not greatly from the procedural systems of Europe. At the very time when the justices in eyre were applying law to the realities of life in England, in France Pierre Jacobi was revising his *Practica aurea* and seeking to bring about a liberalisation in the rigidity of the procedural side of Roman Law.[2]

But, perhaps of greatest importance to present day scholars, a study of these eyre manuscripts has much to disclose to the student of parliamentary and other consultative assemblies of this period. In the opening account of the Northampton and

[1] Cf. the formalism of Bracton's *De Legibus* and the common law form book *Registrum Brevium* with the formalism of the Roman law *Institutes*. Maitland made a scholarly and extensive comparison of Bracton and Azo (Selden Society Pub., vol. 8). See also Maitland, "The History of the Register of Original Writs", *Harvard Law Review*, iii, 212 (1889).

[2] See Grand, "Un jurisconsulte du xiv^e^ siècle : Pierre Jacobi, auteur de la 'Practica aurea'," *Bibliothèque de l'École des Chartes*, lxxix, 68 (1918) ; Fournier, "Pierre Jame (Petrus Jacobi) d'Aurillac, jurisconsulte", *L'Histoire litteraire de la France*, 481-521 (1927) ; Fournier, "Nouveaux documents sur le jurisconsulte Pierre Jacobi et sa famille", *Bibliothèque de l'École des Chartes*, xcviii, 221-233 (1937) ; *ibid.*, c, 72-92 (1939). That we find this tendency in both countries at this period is not strange. The ties between common law England and Roman law Europe were numerous. Latin was the scholarly language of the learned, it was the language for treatises and for royal records both in England and in Europe. The spoken language of the educated person in social England, as well as the spoken language of the courts, was French. And, uniting England still closer to Roman law Europe was the even greater bond of the Catholic Church. Here in England, as on the continent, between the celebrated school of the Glossators of the twelfth and thirteenth centuries, who glorified in the abstraction of legal rules, and the Romanists of the sixteenth century, who philosophised on the theory of law as rules of human conduct, existed the period of the late thirteenth, and of the fourteenth and fifteenth centuries when legalists were above all pre-occupied with a practical application of the law to life. Here, then, both in common law England and in the Roman law countries of continental Europe we have the transitional period in which legalists in considering law as an instrument of procedure were seeking to give less and less attention to the abstractions of rigid procedural rules than to the idea of the application of law for the good of the individual as a part of an organised society. There can be no doubt that the justices itinerant played an important part in this "transitional" period in the history of English common law. For an interesting treatment of various terms common to both English and Roman law see Bossuat, "Anciennes traductions françaises du 'De Officiis' de Cicéron", *Bibliothèque de l'École des chartes*, xcvi, 246 (1935), at p. 277.

Nottingham eyres of 1329 the view is clearly exemplified that neither the functions nor the composition of large assemblies—in this case the Northampton parliament of 1328 and the council of Windsor of 1329—serves to determine their constitutional character. We have pointed out above how petitions were presented in the Windsor assembly "*priauntz de mesfetz remedie*" more insistently than ever before.[1] The magnates [2] assented to an eyre and the "*commonalte illoeqes assemblez*" requested the king to agree. The clear distinction at the time between "*les grauntz*" and "*la commonalte*" and between their acts is especially worthy of notice.[3]

These, then, it is suggested, are some of the matters upon which much information is to be obtained by a study of Rylands Latin MS. 180 and its fellows.[4]

[1] See above, p. 388, n. 1. [2] "les grauntz". *Ibid.*

[3] I am indebted to Dr. J. S. Roskell, Senior Lecturer in History, University of Manchester, for the substance of this passage.

[4] I take pleasure in offering my best thanks to the Benchers of the Honourable Society of Lincoln's Inn, and particularly to their Master of the Library and their Librarian, T. Hodgkinson, Esq., for permission to take photostats of their valuable MSS. I also take this opportunity to express my thanks to the authorities of the British Museum (and particularly to G. R. C. Davis, Esq., Assistant Keeper of MSS.); the Cambridge University Library, and to Dr. B. F. C. Atkinson, Under-Librarian; the Bodleian Library, Oxford, and to Dr. R. W. Hunt, Keeper of Western MSS.; His Grace the Duke of Northumberland; the Bibliothèque Nationale, Paris; the Congressional Law Library, Washington, D.C.; and the Harvard Law School Library for permission to take photostats and micro-films of their not less valuable MSS. of the Year Books 1-10 Edward III (1327-1337).

APPENDIX I

INCIPIT ITER NORTHAMPTONIE CORAM GALFRIDO LE SCROP, IOHANNE DE CANTEBRIGGE ET SOCIIS SUIS ANNO REGNI [REGIS] EDWARDI TERTIJ TERTIO

REX Vicecomiti Northamptonie salutem:[1] Summone per bonos summonitores Archiepiscopos, Episcopos, Abbates, Priores, Comites, Barones, Milites et omnes liberos[2] tenentes de Comitatu tuo et de qualibet villa iiij [legales] homines et prepositum et de quolibet burgo xij legales burgenses per totam Balliuam [tuam] et omnes illos qui coram Iusticiariis [Itinerantibus] venire solent et debent, quod sint apud Northamptoniam die Lune proxima post festum Omnium Sanctorum [proximo futuri] coram [dilectis et] fidelibus Iusticiariis nostris G[alfrido] le Scrop, I[ohanne] de Cant[ebrigge] etc. et aliis fidelibus nostris quos ibidem tunc missuri sumus, audituros et facturos preceptum nostrum. Facias etiam venire coram Iusticiariis nostris omnia placita corone nostre que placitata non sunt[3] vel que emerserunt postquam Iusticiarii nostri vltimo itinerauerunt[4] in partibus illis, et[5] omnia placita et attachiamenta illa ad placita illa pertinentia et omnes assisas et omnia placita que posita[6] sunt ad primam assisam coram Iusticiariis nostris, cum breuibus assisarum illarum et placitorum. Ita quod assise ille et placita pro defectu [tui vel] summonitionis tue non remaneant. Facias etiam clamari[7] per totam balliuam et sciri[8] quod omnes assise et omnia placita que fuerunt attaminata[9] et non finita, vel que fuerunt [summonite] coram Iusticiariis nostris apud Westmonasterium vel Eboracum vel coram Iusticiariis qui vltimo itinerauerunt in Comitatu predicto ad omnia placita vel coram Iusticiariis nostris missis ad assisas noue disseisine capiendas vel ad gaolam [deliberandam] quod tunc sint coram Iusticiariis nostris apud Northamptoniam in eodem [statu in] quo remanserunt per preceptum nostrum vel Iusticiariorum nostrorum

[1] This is a transcript of so much of John Rylands Library Latin MS. 180, fos. 1 *sqq.*, as relates to the preliminary proceedings of the Eyre of Northampton. Words and passages enclosed within square brackets are not in the MS. Interlineations and deletions are enclosed within parentheses with a superior i or d. The spelling of the MS. has been strictly followed except in one or two instances where the scribe obviously made a grammatical error. In the interests of the reader these errors have been corrected and a footnote given setting out the reading of the MS. Unusual spellings have been retained in the text, but footnotes have been added calling attention to the fact that the word so appears in the MS. Words abbreviated have been given in full and the extension of such words is based upon the spelling customarily employed by the scribe of this MS. when he wrote the word in full. Variations of the text of nearly every paragraph can be found in one or more of the other MSS. In the footnotes variations of some of the more important paragraphs have been given. MSS. La, Lb, Ld, Os begin with the Articles of the Eyre (No. 41 below); MSS. Bg, Bh, Cw begin these proceedings with a statement, "En primes assemblez tous les Iustices et les grauntz du Countee et tous y ceux qi furent venutz de la commonalte par somons del Eire de Northamptone. SIRE GEFFRAI LE SCROPE comencea les paroles en la fourme qensuist: Euesqes, Abbes, Priours, Countes et Barons et tous autres qi sont venutz par reson de ceste eire, entendez al comaundement nostre seignur le Roi." The initial "R" in "Rex" does not appear in Latin MS. 180, but the scribe left a square space vacant for a three line initial which was intended to be later supplied. The scribe of Latin MS. 180 consistently writes "Scrop" without any indication that a final "e" is missing. This form has been retained in accordance with our rule to follow the spelling of the MS.

[2] libere, MS. [3] MS. adds "terminata" after "sunt". [4] itinerauerint, MS.
[5] ad, MS. [6] postea, MS. [7] clamore, MS.
[8] isciri, MS. [9] *Sic*, atterminata.

vel [Iusticiariorum] Itinerantium vel Iusticiariorum de Banco. Summone etiam omnes illos per bonos summonitores qui Vicecomites et Coronatores fuerunt [1] post vltimam itinerationem Iusticiariorum in partibus illis, quod tunc sint ibidem coram Iusticiariis prefatis cum breuibus [de] assisis [et] placitis que tempore suo receperunt ad respondendum de tempore suo sicud respondere debent [coram Iusticiariis] Itinerantibus. Precipe [2] etiam tibi quod per totam balliuam tuam, videlicet tam [in] Ciuitatibus [et burgis] quam in villis mercatoribus et alibi, publice proclamari facias quod omnes illi qui libertates aliquas [3] per cartas predecessorum nostrorum Regum Anglie vel alio modo habere clamant sint coram Iusticiariis nostris ad diem predictam ad ostendendum cuiusmodi libertates clamant habere et quo warranto. Et tu ipse tunc sis ibidem personaliter vna cum Balliuis et ministris tuis ad cert[i]orandum ipsos fideles nostros super hiis et aliis negotiis illud tangentibus. Precipimus etiam tibi quod publice proclamari facias quod omnes conquerentes seu conqueri volentes, tam de Balliuis et ministris nostris quibuscumque quam de Balliuis [et ministris] aliorum et aliis quibuscumque veniant coram prefatis Iusticiariis ad predictos diem et locum ad quascumque querimonias ibidem ostendendas [et] ad competentes emendas inde faciendas secundum legem et consuetudinem regni nostri et iuxta ordinationem per nos inde factam et iuxta statutorum tenore[m] hactenus editorum et iuxta articulos eisdem [4] fidelibus nostris inde edit[os] etc. [et prout iidem fideles nostri tibi scire facient ex parte nostra. Et habeas ibi summonitores et hoc breue. Teste etc.]

2 Dominus Rex mandauit hoc breue patentes suum in hec verba : EDWARDUS Dei gratia Rex etc. dilectis et fidelibus suis G[alfrido] le Scrop, Lamberto de Thekyn[g]ham, Iohanne de Caunt[ebrigge], I[ohanne] de Rand[olf] et I[ohanne] de Redenal [5] salutem : Sciatis quod constituimus vos Iusticiarios nostros ad itinerandum ad omnia placita hac vice in Comitatu Northamptonie : Constituimus vos Iusticiarios nostros ad audiendum et terminandum placita de libertatibus iuxta prouisionem et ordinationem inde factas et ad transgressiones et querelas conquerentium seu conqueri volentium tam de Balliuis et ministris nostris quibuscumque quam de Balliuis et ministris aliorum et aliis quibuscumque et ad quascumque querimonias audiendum et de terminandum et ad competentes inde emendas [faciendas] secundum legem et consuetudinem regni nostri et iuxta ordinationem nostram per nos inde factam et iuxta tenorem statutorum actenus inde editorum et iuxta articulos vobis inde traditos et iniunctos. Et ideo vobis mandamus quod die Lune proxima post festum Omnium Sanctorum proxime futurum apud (Westm'd) Northamptoniam conueniatis et ad premissa omnia et singula in forma predicta facienda et explenda intendatur facturi inde quod ad Iusticiam pertinet secundum legem etc., saluis nobis amerciamentis et aliis ad nos inde spectantibus. In cuius rei testimonium has litteras nostras fieri fecimus patentes. Teste me ipso apud Gloucestriam tertio die Septembris anno regni nostri tertio. Breue patent' directu . . .

3 Et super hoc mandauit [dominus] Rex breue suum [clausum] in hec verba : Aliud breue Iusticiariis

[1] fuerint, MS. [2] *Sic.* [3] alicos, MS.
[4] eiusdem, MS.
[5] Radenhall. This name is spelled in a great number of ways in the several MSS. MS. Bg also adds the name " Adam de Hernytoun " but, so far as is known, there was no justice of this name who sat as a justice in eyre at Northampton in 1329.

EDWARDUS Dei gratia etc. dilectis et fidelibus suis [Galfrido le Scrope, Lamberto de Trikyngham, Iohanne de Cantebrigge, Iohanne Randolf et Iohanne de Radenhall salutem : Cum constituerimus vos] Iusticiarios nostros ad itinerandum [ad] communia placita hac vice in Comitatu Northamptonie, Constituimus [etiam] vos Iusticiarios nostros ad audiendum et terminandum placita de libertatibus iuxta prouisionem et ordinationem [inde] factas et ad transgressiones [et] querelas omnium [con]querentium seu conqueri volentium tam de Balliuis et ministris nostris quibuscumque quam de Balliuis et ministris aliorum et aliis quibuscumque et ad quascumque querimonias audiendum et terminandum et ad competentes [1] emendas inde faciendas secundum legem etc. [et consuetudinem regni nostri et] iuxta ordinationem [nostram] per nos [inde] factam et iuxta tenore[m] statutorum actenus [inde] editorum et iuxta articulos vobis inde traditos et coniunctos. [Et ideo] vobis mandamus quod quociens vos omnes ad premissa facienda [et] explenda comode vacare non possint iiij^{or}, tria vel duo vestrum quorum vos prefatum G[alfridum] vnum esse volumus ad premissa facienda et explenda procedatis. Teste me [ipso] apud Gloucestriam viij die Septembris Anno [regni nostri] tertio.

Aliud breue

4^{o} EDWARDUS Dei gratia Rex etc. Dilecto et fideli suo Iohanni de Caunt[ebrigge] salutem : Cum constituimus dilectos [et] fideles Iusticiarios nostros G[alfridum] le Scrop, I[ohannem] Rand[olf] [et] I[ohannem] de Radenhale [et] vos Iusticiarios nostros ad itinerandum ad communia placita hac vice in Comitatu Northamptonie ac alia que ad Iusticiarios huiusmodi pertinent facienda prout in breuibis patentibus inde confectis plenius continetur [f. 1^{v}], vobis mandamus quod omnibus [aliis] pretermissis ad hoc vna cum prefatis G., I., et I. intendatis. Ita quod scitis [2] apud Northamptoniam die Lune etc. ad premissa facienda iuxta tenorem litterarum nostrarum predictarum et hoc nullatenus omittat[ur]. Teste me ipso [apud Gloucestriam tertio die Septembris] anno regni regis tertio. Per ipsum Regem et Consilium.

Aliud breue

5^{o} Item dominus Rex mandauit Thome de Louther aliud breue suum patens [*sic*] in hec verba : EDWARDUS Dei gratia [etc. dilecto et fideli suo] Thome de Louther salutem : Sciatis quod constituimus dilectos et fideles nostros [Galfridum le Scrope] etc. [Iusticiarios nostros ad itinerandum ad communia placita hac vice in Comitatu Northamptonie . . . *as above*]. Mandamus [3] eisdem G., I. et I., iiij^{or}, tribus vel duobus T. vnum esse volumus quod vos ad hanc [4] societatem admittatis sicud predictum est. In cuius etc. Teste etc. [me ipso apud Dunstaple' xx^{o} die Octobris anno regni nostri tertio].

Aliud breue

6^{o} Insuper [hoc] dominus Rex mandauit aliud breue [suum] clausum [in hec verba :] EDWARDUS [Dei gratia] etc. Dilectis et fidelibus suis G., I., I., S. [*sic*] [et] I. salutem ; Cum constituimus vos Iusticiarios nostros ad itinerandum [ad] communia placita hac vice in Comitatu Northamptonie ad audiendum et terminandum placita de libertatibus iuxta prouisionem etc. transgressiones et querelas omnium conquerentium [seu conqueri] etc. quascumque querimonias etc. et ad competentes emendas etc. iuxta articulos inde traditos etc. Mandamus vobis [quod] quociens vos omnes ad premissa facienda et explenda etc. Mandauit aliud breue simili modo clausum.[5]

7^{o} Apres la comission dez Iusticez del Eyr, cest asauer Sire G. le SCROP et

[1] competend', MS. [2] *Sic*. [3] Mandemus, MS. [4] hoc, MS.
[5] MSS. La, Lb, Ld, Os set this writ out in full and in a somewhat different form.

ces compaignouns, come pariert par meisme la comission lieu et entendu, le dit Sire G. pria et comanda de part le Roy a les grauntes de Counte par lour feautes et lealtes qil vrount fait a nostre seignour le Roy qe eux le honour furent en eyde qe leir et la volunte le Roi furent ensi parfournez et ce al honour le Roy et a comone profit de son poeple.

8° Scrop :[1] Nous vous comandoms de part le Roy a vous viscount qe vous rendes sus vostre baille et la verge et a vous toutz baillifs deinz fraunchises et de hors abbesses vos verges. Scrop : Pur ceo qe nous ne trouoms nul defaute vnqes en vous vicount vous rebailloms la baille et la verge entendaunt de vous ouster de mesme la baille quel houre qe nous trouoms cause deuers vous suffisauntment countre esteant la comission qe vous auez de la Chauncellere. Scrop : Viscounte, fetes le serment : Ceo oiez vous Iustices qe ieo Thomas Wake bien et lealment seruiray a nostre seignour le Roy et a vous Iustices en loffice de viscounte a quel ieo fu par vous ordeine et lealment frai les comandemants le Roi et le vostres et leals et dues execucions enfrai de touz les choses qe moi serrount comandes de part le Roy et de part vous et lealment le conseil le Roi celeroy et les vous si dieux moy eide et ces[2] seintz. Apres le serment lui fust rendu la verge en la forme auauntdit.

9 Scrop : Crietz, Erceuosqes, Euesqes, Abbes, Priours, Countes, Barouns, Chiualers et toutz autres frankes tenauntz et toutz iceaux qe sount somouns et qe soleyent venir al Eyr vignent et ceo proferent al peril qe apent ; a qel iour les nouns ne furent pas demandes.

10° Scrop : Thomas, Crietz qe feyre ne marche ne seynt tenutz en le counte de Northampton forpris en la ville de Northampton [pen]deuant leyr.[3]

[1] *The variants in the other MSS. of this paragraph are :* "Apres le bref de la somonce del eire lu Sire Geffrei comaunda au viscont qil rendesit sa verge et il le rendit. Et pur ceo qeux ne trouerent pas defaute en lui rebaillerent la verge al dit viscont et le fesoient Iure qe lealment seruireit en office de visconte a nostre seignur le Roi et a ses Iustices et au poeple durauntleire et le counsail le Roi celereit ne pur doun ne pur promesse des grauntz ne des petitz ne lerreit qe verite ne freit a son power si dieux lui eide et les seintz."—*Ld : La, Lb, Os, Bh, Cw, Ob, Ha.* "Et puis comand le vicount de rendre sus sa verge et il le rendi. Et puis comand qe touz les baillifs de suth ly abassasent lour verge et issisirent. Et puis il fit crier qe toutz les seignurs et auteres de Counte fraunch' qil fussent lyenz lendemayn ou qil missent ballif en lour lieu pur queux il voillent respoundre a seruer nostre seignur le Roi et ces Iustices durant le Eyre. Et puis fit iurer le vicount qe loialment seruerait le Roi et ses Iustices et les execuciouns loialment freit et le consail le Roi et ses Iustices sellereit et pur nul ne lerreit etc. Et puis ly fit bailler sa verge."—*Bc : Lx.* "Et puis comanda au vicount qil rendist sus sa verge qe en si fyt et puis comanda qe touz les baillifs qe furent attendantz a ly et de part ly qeux abesasunt lour verges qensy ferent. Et puis fyt le vicount iurer et ly charga isto modo : Ceo oiez vous Iustices qe loialment seruirez le Roy en office de vicount et dues execucioun fere dez comandementz le Roy et de ces Iustices et ly rebailla sa verge et puis comanda qe touz les seignurs de fraunchises queux fussent la a lendemein ou qeux vssent la ceux baillifs pur queux il vodra respoundre a fere execucioun en lour baillies et qe le vicount vst la enceint touz les baillifs pur qeux yl vodra respoundre."—*Bg.* "Pus le office le vicount fu seisi en la mein le Roi et sa verge oste et comande fu qe touz les baillifs denz franchise et de hors abesserent lur verges. Pus le vicount fu remis en son office par nouel serment en cest forme qil freit lealment les comandementz le Roi et de ses Iustices et lur conseil selereit etc. Pus resceuz sa verge. Pus comande fu al vicount et as seignurs des fraunchises qil presentassent lendemeyn as Iustices tels baillifs south euz pur qeus il voleint respondre qar le Roi se prendre soulement a les viscounts et as seignurs des franchises."—*Ot.*

[2] Written over "les" expunged.

[3] *At this point MS. Ld (which is more or less characteristic of all of the others) reads :* "Et pus Scrope comaunda et fesoit crier qe feyre ne marche aillours ne fust tenue en ceo Countee forqe en Northampton durauntceste eire au peril qappent. Et pus fesoit crier qe nul court de baroun fust tenue forqe la ou bref de dreit fust pendaunt durauntceste eire. Et qe nul Countee fust tenu durauntt

11° Scrop: Crietz qe nulle court de Baroun soit tenu en mesme le counte durant leyr forpris la ou il layade[1] bref de droit pendaunt en Court et ce de mesme le plaie solement.

12° Scrop: Thomas, Crietz et defendez de part le Roy et de par[t] nous qe Counte ne soit tenu durant leyr forpris en le cas la ou il lui ount exigende vtlagerie et apel tant solement eyaunt regard a mesme le poynt.

13° Scrop: Thomas, Criez qe nul atent de conspirace nasproche[2] la ville de Northampton par xij° lewes si il ne soit en cas la ou il est enplede et adonqe face son atturne et qe seu depart de la ville mesme le iour de xij° lewes.

14° Scrop: Crietz qe touz grauntz et autres qe clayment fraunchises qil veignent auant et mousterent ceo qe il cleyment et les pointz de lour fraunchise et ceo qil ount pur eux et pur quel garaunt il cleyment tener et ce sil[3] cleyment par fait de Roy ou de ces auncestres ou en autre maner.

15° Iohan de Hothan Euesqe de Ely porta[4] a les Iustices pur les grauntez auauntditz qil pussent de ceo auer respit et estre auise tanqe a Mekerdy procheyn ensuaunt, a quey Scrop respoundi qil aueynt iour par somons et de demoustrer par bref au iour auandit par quey sa prier fut hors comoune cors de heyr. Scrop: Mes nous deuoms a vous toutz grantz qe cleyment fraunchises auer et contimuoms le iour auandit tanqe a Mekerdy qe vous nous prietz de grace.

16° Scrop: [Crietz] qe toutz les coroners qe ount este pus le dreyn heyr qe fust a Northampton xiij° an le Roy Edward ael le Roy qe ore est, lour heir[s] ou lour executours ou lour terres tenauntz, viscountes, lour heyrs, lour executours ou lour terres tenauntz veignent auant et liuerent lour Roules de tut lour temps en blaunches Bagges entitles de lour nouns fesaunt mencioun de quel an enseale de lour seals a peril qe appent; a quel iour les Coroners vindrent et feseynt la lyuere de lour Roules solom la forme auantdit forpris vne Henrie qe fust demaunde solempnement et ne vint point. Scrop: Il est demande souent et vint point par quey agard cest court qe ces terres seint pris en main le Roi, biens et chateux, et qe vous viscountes mettez hors femme et enfauntz et qe son corps soit pris. Puis vient mesme celui Henrie et bota auant le [f. 2] bagge de ces Roules et il fust agarde a la prisone par le iugement precident et fist fin pur xx. s.[5]

17° Et estre ceo vn autre coroner Simuod[6] de Croulande par noun mist auant vne bagge et ces Roules. Scrop: Auetz rendu toutz vous Roulez? [*Le Coroner :*] Sire, oyl estre vne Roule. Scrop: Et pur quey nemye cele? [*Le Coroner :*] Sire, pur ceo qe vn Robert Seymer tollit huye cest iour mesme le Roule a force

ceste eire mes dappel ou dexigende. Et pus fesoit crier qe tous ceux qi voleient purchacer brefs en ceste eire qil les purchacent entre cy et le iour de Seinte Lucie et tous y ceux qe voleient suire billes qil les liuerassent al viscont et trouassent plegges de suirer santz limite certein iour de la liuere. Et pus se fist crier qe nul conspiratour atteint aprocheit la ville duraunt ceste eire de xij° lieuz santz ceo qil emplede ou soit emplede et qil venist et face son attourne de iour et issir mesme le iour la ville issint qil ne moerge pas la nuyte."

[1] *Sic*, il y a de? [2] *Sic.* [3] *Sic, for* " quil ". [4] *Probably for* pria.

[5] *MSS. Ld, La, Lb, Os, Bh, Cw, Bg, Ot report the last half of this paragraph thus :* " Entre queux vn Henri de Caylmers, iadis Coroner del Countee de Northamptoun, fust solempnement demaunde et ne vynt pas, par qei agarde fust qe ses terres et ses chateux furent seisiz en la mayn le Roi et ouster femme [et] enfauntz. Le quel Henri vynt apres oue ses roules et pria grace de court et dist qil fust destourbe de presse et qil fust de quere ses roules. *Aldeburgh* pria pur le Roi del houre qil auoit son iour par somons et ne vynt pas a temps qe son corps fust pris, et fust agarde a la prisoun et pria grace com deuant. Scrope: Vous auez vostre iugement et couient qe cest iugement eit execucioun, mes nous voloms faire grace a ceste foitz mes nemie par lei; quei volez doner au Roi? Et fist gree pur xx s. au Roi."—*Ld.* [6] *Sic*, Simound.

dun T. de B. mon clerk moy nient sachaunt tanqe a ore. Le clerk fust demaunde sil voille siwer vers le dit Robert pur le Roy. Il dit ore "oyl". SCROP: Vicounte fetes prendre le corps le dist Robert issint qe leyetz deuant nous ademayn et vous T. de B. gardes mesme le iour etc.[1]

18 De vic[ountes] rien ne fust fait al iour auantdist mes aueynt iour tanqe a lendemeyn par continuance.

19 Et apres ceo tres seriauntz furent fetez et donerunt lor.[2]

20 SCROP: Nous vous comaundoms a vous viscounte qe vous nous fatez

Nota qe lez Iustices en Eire ferrent iij seruauntz.[3]

[1] See below Nos. 26 and 33 for the continuation of this matter in Latin MS. 180. MSS. La, Lb, Ld, Os, Cw, Bh combine these three paragraphs as one and MSS. Bc, Lx, Bg, Ob, Ha give the report as two separate paragraphs on two separate days. Below is given the version in Ld (as typical of the first group) and in Bc (as typical of the second). "Et pus Simond de Cailmers fust demaunde et vynt et dist qe ses roules furent en la ville a son hostel et pria qil les pout quere. Et *Aldeburgh* pria meismes com deuant de lautre. Et il fust comaunde au viscont en garde. Et puis de grace de Court fust suffert de quere ses roules en garde de Mareschal. Et reuynt et porta ses roules tous santz vn. Et dist qe ceo lui fust tollet hors des mayns son clerk par vn Robert de Seint More. Et fust demaunde del clerk sil fust icy ou noun, et il dist qe oil, et sil voleit suire pur le Roi et pur lui meismes. Et il dist {qil voilleit. Et} auoit iour tantqe lendemain. Et comaunde fust dattacher le dit Robert. A quel iour le dit Simond et son clerk vyndrent et le dit Robert vynt en garde de viscont et le dit Coroner liuera le roul qe fust tollet de son clerk. Et le dit Coroner amercie pur ceo qil ne les auoit al primer iour et le dit Robert fust arrene del trespas auauntdit et il respond qil auoit cel roul de la liuere cel clerk et de son gree, quele chose le clerk conusoit. Et demaunde fust del clerk sil voleit suire deuers Robert. Et il dist qe noun, par qei il fust amercie. Et le dit Robert a la sieute le Roi arrene, qi respond com deuaunt. Et sur ceo enqueste prise a lendemayn, par quele enqueste fust troue qe Robert lauoit del liuere le clerk com il auoit dist. Et demaunde fust sil fust par le gree le Coroner ou noun. Et troue fust qe noun, par qei agarde fust par CAUNTEBRIGGE qe le clerk fust emprisone pur ceo qil auoit liuere le dit roul par qei le counsail le Roi fust descouert pus la somons del eire. Et pus fist fin pur demi marc et le dit Coroner quites pur ceo qe le dit roul fust liuere santz son gre."—*Ld. The first paragraph concerning this matter in Bc reads:* "Et puis fust vn autre Coroner demaunde qe vynt. Comaunde ly fust demettre auaunt ses Roules et dit quil nes [*sic*] auoit pas mes il furrent en la ville et pria suffrance, taunqe al demayn. SCROPE: Vous ne laueretz pas, nauetz oye quel iugement cesti auoit qe ne vynt pas quant il fust demaunde et vous auetz fait au Roy greynder despit la ou vous estis en Court et ne volet pas liuerer vous Roules mes taunt nous fromous [*sic*] de grace qe nous manderoms a vous nostre Marchalle en la ville pur les quere et de vous remener le quel vous les eietz ou ne mye et ceo de nostre grace et ne mye de ley. Issi qil ala en la ville ouesqe le Marchalle et reueynt et dit qil auoit toutz ces Roules forspris vne la quele Robert de Seymore prist afforce de son clerk. Et son clerk fust demaunde qe vynt et dit en mesme la manere. SCROPE ly demaunde qoi il fit adanqe pur qoi il nust leue la mene sur ly et ensuwy. Et il dit qe lautre ly voilleit auer batu. SCROPE demaunda del clerk sil voilleit suwer deuers ly. Et dit qe oyl. SCROPE demaunda sil auoit transescript de Roule, le clerk [dit qe] oil, et le Coroner dit qe noun. *Aldeburgh* pur ceo quil ne leuera pas ses Roules ceo est sa defaut quil ne les auoit pas primus ouesqe nous prioms qe son corps seit arestu. SCROPE comaund de prendre gard de corps le Coroner et de son clerk et de attacher a R. quil soit seyns ademayn. Et puis lendemayn le Coroner vynt et dit qe Robert de Seynt More ly auoit baille vn Roule et le myst auaunt la Court, Robert de Seynt More fust demaunde, vynt et fust arene qe afforce en presence des Iustices etc. il auoit pris enporter la Roules. Et dist qil les auoit du bail le clerk. Le clerk fut demaund, vynt, demaunda sil voileit dire deuers ly com il auoit deuaunt comence, et il demaunda de Coroner sil voilleit. Et dit qe noun, par qoi le vn et lautre fust amercie, *s.* le clerk pur ceo qil ne suwi pas et le Coroner pur ceo il ne leuere pas ses Roules a primer iour. SCROPE comand a vicount deprendre gard de Robert et quil feit venir bon enqueste lendemayn pur enquerre de ceste chose." *The second paragraph of this matter in MS. Bc (on the third day) reads:* "Et puis fut lenqueste prise deuers Robert de Seynt More qe dit qe le clerk le Coroner aprista le Roule a Robert dauer transescript issi quil ne prist pas countre sa volente et qe ceo fut fait non sachaunt le Coroner. Et fut demaunde le quel il baille au Clerk mesme le Roule ou le tranescript. Et desoient qe mesme le Roule. CANTE-B[RIGGE] a Robert: Vous receu le Roule le Coroner le quele Roule fut de record qe ne deit pas venir a vostre gard la ou vous ne futes pas ministre le Roy, par qoi voletz faire fyn al Roy? Et first fyn de vn mark."

[2] This paragraph is reported elsewherely only in MS. Ot.

[3] By a later hand.

auer les nons de touz les baillifs et de touz vos clerks qe nous seruerount a ceste Eyre et pur les queux vous voilletz respoundre a peril qe apent. *Viscounte* a SCROP : Sire, nous auoms plus qe cent brefs returnables len demayn Seint Mark et les vtas de Seint Martin ; qei voletz vous qe nous fasoms de mesme les brefs ? SCROP : Retenez les deuers vous et nous froms auer garant de la Chauncellerie de les fere venir deuant nous et suetz qe vous eytz garaunt.

21° SCROP : Fetes crier qe toutz les viscountes, lour [*Die Martis sequent*' heirs et lour executours et lour terres tenauntz rendent sus lour bagges de lour Roules de lour temps del Eyre auant nome ; les queux viegnent auant et botent sus lour bagges de lour Roules et parties de viscountes ne virount en lour Counte auantdit come apparust par rettourne de vicounte des queux rien ne fust fait a mesme le iour, et des autres et de terres tenauntz ou executours et qe ne virount mye lour Roules commande fust qil furent mis al graunt destresse dauer lour Roules en countre Vendredy proschein ensuaunt.

22° SCROP : Nous vous comandoms a vous toutz grauntz et autres de Counte qe vous alez ensemble et qe vous nous certifiez le quel vous soleies presenter et deuez Englecherie ou nemye et si vous le deuetz presenter la forme coment, (et[1]) la comonialte pria a les Iustices qe lour pleyse de ceo iour dauisement tanqe a len demain. SCROP : Ceo ne poms[1] nous voloms granter mes vous commandoms come auant qe vous aletz ensemble toutz et de ceo responez a nous a perile qe appent et metes vostre respouns al dit a quatre sages de mesme le Counte eyant power de vous touz a nous de ceo respoundre. Les quatre vindrent pur eux touz a la barre, Sire, vous nous dioms qe par nulle euidence qe nous auoms ne par aunciens gentz qe ount este en le procheyn Eyer auaunt et dist tout a trenche, Sire, vous nous dioms qe nous solemus[2] ne ne deuoms Englecherie presenter et prioms, Sire, qe vous nous voletz graunter et meyntenir nos leyes et nous vsages et qe nous le pussoms auer solom ceo qe nous auoms hu en tut temps des auncestres nostre seignour le Roy. SCROP : Voletz auower vostre respouns a peril qe apent ? La Comonialte dist "oyl". SCROP : Nous vous deleueroms tantost nous trouoms qe mesme la possioun et mesme la demaunde furent al dereyn Eyer qe fust auaunt nomes al quele vous respoundistis come ore auetz respoundu et adonqe troue fust par record del Eyr qe auant dreyn fust qe vous le presentastes, par qei agarde (fust[d]) qe vous fustes amercie, issint qe nous trouoms deux recordes en contre vous qe vous deuez presenter et la maner, par qei agard cest Court qe tut le counte soit en la mercie pur lour faux presentemens. *La Comonialte :* Nous vous prioms qe nous pussumus fere fin pur nostre amerciement. SCROP : Nous vous grauntoms et serroms prest de resceuer quel houre qe vous voilletz.[3]

[1] *Sic*, pouoms ? [2] *Sic.*

[3] *See below Par. No.* 31 *where this matter came on again for hearing. The variations in the other MSS. read :* "Et puis demaunde fuit de tote le Counte sil deuierent presenter Englescherie ou noun et sil deuierent presenter en quel manere et sil ne deuierent presenter qil le dirrerunt. Et prierunt iour dauisement tanqe a lendemayn, et ne poient en nul maner auoir qar ceo fuit le principal point de le heir qe deuoit estre respoundu sur la demaunde ; il en parlerunt vn pece et respounderont qil ne deuereint pas presenter, et prierent qils furent menez en bonz vsages come deuaunt auoient este. SCROPE : Nous trouoms en la dreyn heyre deuant Sire Iohan Vaux qe vous fuistes appose come ore estes et vous respoundez qe vous ne sauez si vous deuez presenter ou noun, par qei il quest les roulle del procheyn Eyre deuaunt tenu deuant Sire Richard de Mideltoun ou il trouerent qil fuit presente en touz lez countez en tiel manere : qe de cely qe fuit troue occis [*Bh ends abruptly here*] vn de parenz de part le piere viendrent et vn autre de part la miere et ambes deux del age de xij. aunz ou plus et ne mye de meynz et le chalange de lour sank [et] en tiel manere presenter englescherie, et pur ceo qe

23° Scrop a Vicount : Fetes nous auer baillifs qe nous serueront de southe vous a cest Eyer et touz autres baillifs de fraunchises, queux venuz [et] chescun fit le serment par sey : Ceo oyetz vous Iustices qe ieo R. Baillif de T. lealment serueray a nostre seignour le Roy et vous Iustices en (la[1]) baille ou ieo su et leals execucions de comandement nostre seignour le Roy et les vous fray et lealment le conseil le Roy et le vos Iustices selerai et qe lealment elleray deux prodeshomes de les meutz valez de ma baille et qils ne seynt meyntenours des parties ne procurours ne abbetours et qe ne soyent de la Corone entagles et qe meutz souent et voillent dire verite de ceo qe homme chargera de par[t] le Roy etc. Et issint checun baillif estoit charge.

24 Scrop as Baillifs iurez : Nous vous comandoms qe vous pensetz taunt tost en vostre quoer par le serment qe vous auez feit de [f. 2ᵛ] deux homes les meliours de vostre baille solom ceo qe sus est dit saunz rien parler a nulli et les nomes priueement a nostre clerk iuree, et si ensi (soit[d]) ne le facez et le contrarie en vous soit troue vous irretz a la prisone saunz mercy de vous auer et issint seueralment le fist chescun baillif.

25° Scrop : Vicounte, fetes nous venir vj° cheualers et seriauns, la moyte dun et la moyte dautre, qe meutz seuent et voillent asser et mettre lassise de vin et de ceruoyse et polaiele. Les chiualers et seriaunz appelletz et venuz. Scrop lour charga en tele maner : Ceo oietz vous Iustices qe vous leaument asserretz et lassise mettres en vin et en cerueyse et en polaiele de checun manere si qe les vendours bonement puissent en mesme les choses gaigner ou resoun et les achatours nient trop outrageusement achater ne paier etc. et gardes vous iours de rendre de ceo vos veriditz et de ceo estre auise au demain.

26° Scrop demandez Robert Seymore. Robert vint. Scrop : Le clerk T. de B. Seymor coroner ad fet vn pleint sur voz qe vous lui auez tolle vne Roule son meistre coroner a force et as armes, coment voletz vous de ceo aquiter ? A la suite respoundist par deux et ar bones peyes. Scrop : Faites nous venir bone pais demain et garde[z] le corps le dist Robert tanqe a demain. Le clerk Simond ne volent swere deuers le dit Robert par quey agarde fust qil soit en la mercy.

27 Abbe de Burgh' fust demaunde come terre tenaunt A. de B. vn Coroner qil rendeisset sus les roules du temps mesme le Coroner, a qi labbe et son conseil respounderent qe vn Thomas de G. fust Coroner [1] en mesme le temps qe le dit A. fust coroner et en mesme lan le quel Thomas rescut les Roules le dit A. Coroner les queux ensemblement ou les soens ad suis liuere en bagge. Scrop : Thomas,

vous auetz tote outre dedit de presenter englescherie et troue est la reuers par record si agard la court qe tout la Counte seit en la mercie."—*Cw : Bh (semble La, Lb, Ld, Os).* "Et puis Scrope demaunde de la communalte de toute le Counte sil deuient presenter englechere en ceo Counte ou noun, qar en ascun Counte len presenter englechere et ascun nent et si vous deuetz presenter dites coment et enquel manere. Et la communalte du Counte se consaillerent ensemble et disoient qe vnk ne le deuent fere. Scrope : Nous trouoms par le dereyne Eyre qe fuistis apposse de ceo et vous deites qe vous sauetz si vous le deuez presenter ou noun ou a donqe fust troue par proscheyn deuant qe vous le dusse faire, par qoi vous fustis adounqe amercie et ore auetz dit qe vous ne le deuez pas faire, par qoi agardare tout le Counte en la mercie soit. Et ore vous dirroms la manere coment ele serra presente : qil serra presente par vn de part le piere et de vn de part la miere et qil soient maudles et de xij. anz ou de plus et ne mye de meyns."—*Bc : Lx.* "Et puis fut comande qe touz les grantz et lez autres de Counte alassent ensemble et deissont qils deueront presenter Englecherie ou ne my et syl deueront donqz la maner coment, lez queux vindront et disoint quex nel presenterrent vncs et qils nel deueroint pas presenter. Et pur ceo qe troue fut en les roules de ij. drein Eyres qils lauount presente etc. si fut tut le Counte amercie."—*Bg, semble Ha, Ob, Ot.*

[1] *The words* qil rendisset *have been erased here.*

est il issint et le voletz enprendre? *Thomas :* Sire, nanyl. *Labbe :* Sire, nous vous prioms qe la bagge soit ouerte et les Roules enserchetz et troue fut qe le dit Thomas Coroner eut liuere eux ensemblement ou ces Roules vn poi des auenturs du temps le dit A. coroner. SCROP : Nous ne trouoms qe poi de temps A. coroner. *Labbe :* Sire, il ne fust forqe poy de temps coroner et vous lauetz tout ceo qe fust de son temps. SCROP : Et pur ceo qe nous ne trouoms poi de temps et nous ne sauoms com bien de temps il estoit coroner, gardes vostre iour si deuant nous de iour en autre tanqe nous eyoms enquis de ceo la verite.

Nota bene 28° Si vne homme porte bref vers Abbe ou priour nient nome [par] soun noun de Baptisem lour bref sabatera par sa mort, mes qil soit Abbe ou priour seient deposez ou se eyent demys si qil seyent en vie le bref ne ceo abatra point.

Nota bene 29° XIJ° furent iurez deuant le Iustices en vne [bref de droit]. SCROP a les xij° : Veietz qe vous ditez verite car entendez certeynement qe si vne des parties port latteint sur vous nous verroms et prendroms la atteynte par nostre bref saunz bref de la Chauncellerie et de ceo seit certeyn qele serra trie de deinz xv. iours et dissesines faites deinz la somons del Eyr nous la trioroms de nostre bref de ceo iour en autre.[1]

30° Le record dengletere lieu et entendu. SCROP ala comonialte : Vous estes plus a blamer et plus greuesement amercier qe vous nestes adonqe, car donqe vous deistes qe vous ne sauez le quel vous ne deuetz presenter ou ne mie ore auetz dist countre verite et countre le record qe vous ne deuez ne estes tenu presentir.[2]

31° SCROP : Thomas, criez qe Erceuesqes, Euesqes, Abbes et touz autres etc. qe clayment fraunchises mettent auant tantost lour cleymes et queles fraunchises et les maners et les pointz de lour fraunchises par bille a peril qe appent et donqe touz les grauntez par eux ou par lour attournes boterunt auant billes de lour cleyms de lour fraunchises et de touz les autres pointz solom la forme auantdit et ceo a peril qe appent la forme et la manere de lour billes appert par vn bille a ceste conee.[3]

La pryse dez vitalez.[4] 32° CAUNTEBRIGGE : Thomas, criez lassise par lez vj iureez auanditz ount mis et assise : galon de vin a v. *d.* ; galon de ceruoyse de j. dener ; owe a iiij. *d.* ; chapoun a ij. *d.* ob. ; partrik a ij. *d.* ; conygne a v. *d.* ; xx alowes j. *d.* ; xx oues j. *d.* ; iij columbes a j. *d.* ; maulard a ij. *d.* ; plouer a ij. *d.* ; ij suytes a vn dener ; gelin a j. *d.* ob.[5]

33° CAUNTEBRIGGE demaundetz le dist Simond coroner, T. de B. son clerk et Robert Seymor, les queux demaundetz vendrent et demaunde fust lenquest doffice de dit Robert, les queux vindrent et furent sermentez et desoynt en tel manere: qe le dit Robert Seymor ne prist mie a force (le Roule[1]) de le dit clerk

[1] This paragraph seems to be here by mistake. It would appear to be a charge to a jury by SCROPE.

[2] *See above Par. No. 22. This matter is reported the second time only in MSS. Bg, Ot, Ob, Ha. The most complete account is that given by Bg which reads :* " Le terce iour adeprimes les Iustices firent lire vn roule de dreyn Eyre tenuz en mesme le Counte s. lan xiij° le Roi Edward ael le Roy qore etc. de mostre coment adonqe le Counte fut tut amercie pur ceo qe a teles tens ils disount qils ne sauoint mye qils dussent presenter Englescherie ou les Iustices a donqes qe en le Eyre prochein deuaunt ils auount par recorde des roules qils auoint presente en mesme le Eyre par qoy tut le Counte fut adonqez amercie. Et les roules de ambedeux les Eyres si furent illoqs luez et fut troue en mesme les roules qe Englescherie serroit presente par deuz dez parentz le mort madles, s. vn madle de part le pere et vn autre madle de part la mere et le mort serroit atteygnaunt le age de xij° aunz ou outre et qe la mort serroit ensement madle et qil ne serroit mye denz les xij° aunz."

[3] *Sic.* [4] This marginal note is by a later hand.

[5] This list of prices is not given by any of the other known MSS.

eyntz laueit del baille le dit clerk et de soun aprost.[1] CAUNTEBRIGGE al clerk : Fust il ensi ? Le clerk respoundist qe " oyl ". CAUNTEBRIGGE : Et pur ceo qe vous clerk qestes iures de bien et lealment seruir (vostre[1]) mestre et le conseil le Roy celer lealment et vous estes alee en countre vostre serment [f. 3] en descouerant le conseil le Roy pust estre agraunt damage du Roi par quay agarde ceste Court qe vous augez [*sic*] a la prisone. CAUNTEBRIGGE a Robert Seymor : Pur ceo qe troue est par verdit de xij^e^ qe vous auetz resceu les roules de Coroner pus nostre cessioun en les queux priuetez le Roi sount et ceo est en despit et graunt damage du Roy et de sa corone fetes fin ou vous auerez le Iugement qe appent ; et fist sa fin pur vn mark. CAUNTEBRIGGE a la xij^e^ : Fist Simond Coroner assentaunt au dit son clerk ou qil ne sount de ceo et qe ceo fust par son assent qe le baille ceo fist del dist roule al dit Robert. LENQUEST dit qe nanyl. Par qei agarde fust qe le dit Simond aletz quites.[2]

34^e^ SCROP ala en vn chaumbre et asist appeller teuant [3] lui touz les baillifs et les deuz hommes de chescun hundred qe furent her eluys par diuers baillifs et firent le serment deuant lui xij^e^ a eux le plus sages et les plus uanetz solom ceo qe est auandit.

35^e^ Si treis parceners tenient en comone vn heritage et il auent fait chescun par soy a lour seignour homage, sil auiengne qe vne des parceners purchace lestat ou la partie vn autre des parceners il fra homage a son seignour autrefoitz pur sa partie. Nota

36^e^ A. Luk ponit loco suo J. de B., R. de C. attornatos suos coram Iusticiariis domini Regis Itinerantibus ad lucrandum vel perdendum in placitis suis et omnibus querelis versus quoscumque [vel] contra ipsum motis et mouendis et ad libertates meas calumpniandas prosequendas et defendendas in comitatu Northamptonie durante Itinere.[4]

37^e^ A. de B. vient qe fust fitz et heir vn viscounte solom ceo qe lui fust done iour le Mardy procheyn pur ceo qil adonqe dit qil estoit deinz agee et en la garde le Roy par qei il ne deueront ne ne purrount rendre sus les Roules son piere pur ceo qil ne les auoit ne lui furent liueretz et adonqe lui fust dist de part la court et demaunde lui fust qi auoit les Roules et qe furent les executours soun piere et sil sount dir[e] autres autres [5] terres tenauntz de son pere a quel chose il auoit iour tanqe a huy, cest Vendredi, a qel iour il vint et dist qe il ne fust tenu a respoundre des Roules car il estoit deinz agee le iour qe son pere morust et en la garde le Roy come auant diseit ne ne resceut les Roules de temps son pere, par qei a lui fuist auis qe la court ne lui destreindreit my defere vn chose inpossible de bailler sus a la Court Roules qil vnqes ne resceut. SCROP : Vous estes heir vostre peire et terre tenaunt, ditez nous si vous voillez estre eyde les nouns des executours et les autres terres tenauntz si autres isseient, car le Roy ne mye estre deserue de ces Roules et si ceo ne voillez fere tut la charge serra sur vous. Il bota auant vne bille les nouns des executours son pere et les autres terres tenauntz de lui. SCROP : Fetes destrendre si [6] les executours qe a nous sount moustrez et les terres tenauntz de cel viscounte qil seint deuant nous le procheyn Lundy a venir a respoundre de les Roules de temps mesme le viscounte, et vous A. de B. gardetz mesme le iour.

38^e^ Iohan de Dagworth [7] Chiualer vint et demaunda le[o]ffice de Marschal

[1] *Sic*, aprofit ? [2] See above, p. 413, n. 1. [3] *Sic*, deuant.

[4] This power of attorney is not found in any of the other MSS. [5] *Sic*. [6] *Sic*.

[7] *This report is not given in any of the other MSS. MSS. La, Lb, Ld, Os, Ot, Bc, Lx give a report which seems to have taken place on the first day and which should follow Par. No. 15 above.* " Et sur

et le demaunda com son droit et son heritage et dist qe cel seriauntie lui fust done et graunte par le progenitours le Roi de quel seriauntie ses auncesters [1] furent seisiz en lour demene come de fee et de droit et qil meisme pur cel seriauntie auoit fet son homage a nostre seignour le Roy qe ore est et sur ce mist auant le [chartre le] Roy qe le testimogne. SCROP: Quel est le office qe vous demaundez, mettez le en certeyn. *Dagworth:* Aporter la verge deuant vous et dauer les feez qe appendent a criour le Roy. *Aldeburgh*, Seriaunt le Roy: Sire Iustices, si il ne die et mettez par sol les feez et les appurtinauntz a verge appendant nous nentendroms mie qe vous le resceuerez sur vn tiel noun certeynte. SCROP: Nous ne sumes mye si foles deprendre vn seriaunt deseruir au Roy et a nous si nous ne pussoums sauer de qi al Roy il seruera et de quei il demaundera, et pur ceo Iohan de Dagworth ditez nous ceo qe vous demaur detz en certeyn quant al office fere et prendre. *Dagworth:* Sire, ieo demaunde deporter la verge deuant vous come marschal et garder les entres et a metter criours et garder les xij^{nes} et mettre en mon lieu ceux qe a vous nomerai a faire le office auaundit pendaunt ceo qe a mesme le office appendent [f. 3v]. *Aldeburgh:* Sa demaunde nest mye acordaunt a son bref. SCROP: Pur ceo qe vostre bref nest mye acordant a vostre demaunde nous vous loioms qe vous approchez a la Chauncellerie et amendez vostre bref et gardez vostre iour Lundy procheyn

39c SCROP:[2] T[homas], criez qe nul homme ne prengne ne demaunde pur les hostels de Iustices de lour seriauntz ne de xij^{nes} qe sount iureez al comandement le Roy fere ne de les quatres hommes et le prouost de chescun ville ne pur les hosteles le seriauntz, et ieo defende de part le Roy qe nulle de la ville de Northampton ne cherice ne face (en[1]) enchericer les hosteles de comone [3] poeple qe sount si venuz pur le Eyr ou pur la prise ou pur autre chose qils ount a fere et sil les facent nous asseroms les hosteles par gentz iureez par owell vine et prise et mesure et entendez qe vous apprentez ne serretz del tote quites de vos hosteles come vous entendez mes owelle pris aueretz, et la qe vous moy priestes qe nous feissoms crier cestes auant ceo vst Este en countre comoune [3] cours del Eyr car apres le xij^{nes} Iureez le crie dust estre fait par resoun.[4]

40c Responcio vicecomitis ad breue domini Regis: Ego Thomas de Wake vicecomes Northamptonie vos certifico quod non sunt aliqui Archiepiscopi in bailliua mea. . . .[5]

41c Incipiunt vetera Capitula Corone in Itinere Iusticiariorum. . . .[6]

[*Postea Placita*]

ceo vynt Sire Iohan de Daggeworth et dit quil cleym destre Mareschall et a porter verge en Eyre et myst auaunt bref. SCROPE: Nous a[u]oms donee iour a toutz taunqz Mekerdy de metre auaunt lour cleyms. *Aldeburgh:* Il nest pas de ceo qil cleyme com qe autres cleymerunt, kar ceo est vn office qil cleyme vser a comencement del Eyre. SCROPE: Coment clayme ceste office, et quel profist prendre, et de qi ou de Roi ou de pople et par quel garrantie? Et [Daggeworth] pria iour dauiser taunqe lendemayn, et il lui graunta, [et sa verge en cel temps abesse]."—*Bc: Lx, semble La, Lb, Ld, Os, Ot. MSS. Ot. Bh, Bc also give a report of this matter when it came on for hearing seemingly a third time when Dagworth was received to the office and sworn.*

[1] *Sic.* [2] This paragraph is reported elsewhere only in Cw.

[3] coie', MS. [4] The reference here to apprentices at law is found elsewhere only in Cw.

[5] The sheriff's return follows the wording of the common summons printed above, Par. No. 1, and for that reason is not set out here.

[6] F. 4. The Articles of the Eyre are set out here one by one. Since they are the same as those in Cam, *Studies in the Hundred Rolls*, they are not here printed. The Articles of the Eyre are also found in MSS. La, Lb, Ld, Os, Bg, Lx, Bo, Bh.

APPENDIX II

Below is set out in full the two versions of the four cases mentioned above as illustrating the textual differences between Latin MS. 180 *and the other MSS. of the Northampton Eyre. The first version of these reports (Cases Nos. 1-A, 2-A, 3-A, 4-A) is from the A group of MSS. as mentioned above. The second version of each of these reports (Cases Nos. 1-B, 2-B, 3-B, 4-B) is from Latin MS.* 180. *The grouping of the MSS. is mentioned in the footnotes. Third, fourth and fifth variant versions found in the other groups of MSS. have been noted briefly in the footnotes. The usage of the MSS. as regards i, j, u, v has been followed and mistakes in spelling have not been corrected. Unimportant variations and variations in spelling have not been noted.*

Assisa noue disseisine.

WILLIAM BROUN[1] porta vne assise de nouel disseisine vers William [1-A de Seint More et se pleint estre disseisi de sa comoune de pasture apurtenaunt a son fraunctenement en Aungtone et fist sa pleinte a comouner en vj. acres de pree checun an apres les feynes franchez et a vinz tauntqe a la Chaundelure.[2] *Scharshull :* Assise ne deit estre qar nous vous dioms qe le fraunctenement a quel il cleime ceste comoune estre appendant et les vj. acres de pree en queux il cleime comouner furent appendaunt a meisme la terre et demaundoms iugement si assise com de comoune appendaunt deuie estre. *Aldeburgh :* Sire, bien est verite qe la terre et le pree furent en la seisine Rauf de Aungtone mes nous vous dioms qe nous tenoms meisme la terre ore par resoun de quele terre nostre vncle auoit comoune com appendaunt en meisme le pree et nostre piere en meisme la manere en son temps et nous meismes ausint, et vous dioms qe ceo pree est veisin a autres preez de la ville et en ces preez et en tous les autres preez veysinables tous les comouners de la ville ount comoune par my et par tut en la seson del an auantdit com appendaunt a lour fraunctenement del temps dount il ny ad memorie, et vous dioms qe ceste terre est aunciene terre a quele terre comoune ad este appendaunt de tut temps et demaundoms iugement de pus qe nous sumus comouner de meisme la ville sauntz ceo qe vous poez moustrer qe vous tenez cel pree en seueralte et si vous poez lassise barrer. *Scharshull :* Nous demaundoms iugement de vostre conisaunce depus qe vous auez conu la terre et le pree

[1] This case is reported in MSS. *La, Lb, Ld, Os, Bg, Bh, Ry, Cw, Rd, Bc, Ha, Ob, Ot, Lx.* This version of the case is reported in common by MSS. *La, Lb, Ld, Os, Bg, Bh.* The text is that of MS. *Ld.* Variations in spelling and unimportant variations in word order have not been noted.

[2] *MS. Cw down to this point reads :* " Vne assise de nouel disseisine fuit porte vers vn G. et se pleynt destre disseisi de sa comoune de pasture en H. apurtenant a son fraunctenement en mesme la ville et fist sa pleynt a comouner en vij. acres de pree chescun an apres les feimes leues et a vinz quant ala chaundeleure ou totes maneres de bestes come apent etc. *Schars.* Le franctement qil cleime." *MS. Bc down to this point reads :* " William Broun porta vne assise de nouel disseisine de comoune pasture apurtenaunt a son franctenement en W. vers William Seymore et fit sa pleyint a commoner en vj. acres de pree apres la feynz fauches et leuez taunqe al Chandelour oue toute manere des bestes com appendaunt a son fraunctenement en mesme la ville. *Schar.* Vous auez yci W. qe vous respound com tenaunt du pre en quele il cleme. . . ." *The speech by Scharshull here printed is reported in MSS. Ot, Lx thus :* " *Shars.* Assise ne deit estre qar nous vous dioms qe la terre a quel il cleim la commoune apurtenant et la pre en quel il cleim ceste commoune furent en la seisine vn Rauf de S. en tens le Roi E. pere etc. qi seisi fu[it] de la terre et du pre en son demesne come de fe et de droit a quel tens Rauf ne poet pas auer commoune ap[endaunt] en son soil demesne, iugement si de comoune ap[endaunt] en ceo cas deuez assise auer. *Ald.* Nostre ael fu[it] seisi de cest commoune . . . "

estre vinement a vn temps en la seisine Rauf a quel temps la comoune fust desappendant qar par lei nul homme poet comouner en sa terre demeigne si assise deuie estre. SCROPE: Donqes est il issint auxi com il ad dit? *Scharshull:* Il nous semble qe nous nauoms pas mestrer a ceo conustre par lei qar tut le vousissoms conustre nous entendoms qe par lei lassise serreit barre par lour conisance. SCROPE: Il ad conu vostre dit et se mette en iugement de court si vostre dit lui toude lassise ou noun. Et plede outre vn fait qe lui donne lassise a ceo qil entent par qei il couent qe si vous voillez auer auantage de sa conisaunce de vostre part qe vous soiez en vn de son dit. Dautrepart, de quel il entend dauer auantage par lei et adonqes demurez en iugement. *Scharshull:* Si ieo ey vne carue de terre et aliene la moite celui a qi ieo ay aliene ne poet pas comouner en la terre qe me demort, ne ieo en sa terre, *quod negabatur.* Et dautrepart, si heritage descent a iij. parceners et il fount la purpartie entre eux nul ne poet comouner en autre purpartie pur ceo qe quant la tenaunce fust vne en la parsone le comoune auncestour il ne poeient mie comouner en sa terre demesne, auxint de cea quant la terre et le pree fust en la seisine R. et par parcel passa par feffement oue les apurtenances ceo qe ne fust pas apurtenant en temps R. ne poeit mie estre apurtenant en temps le feffe; par qei etc. CANTEBRIGGE: Si vn comouner de la ville vsast bref de amesurement vers vn autre adonqes William de Seint More par reson de ceo fraunctenement serroit amesurement com vn autre comouner de la ville eaunt regard al pree et a tut le remenant de la comoune. *Scharshull:* Il ne serroit pas amesurement eaunt regard a cel pree. SCROPE: Il vous ad allege vn fet par quel il entend datteindre al assise, par qei nous demaundoms sil soit issint ou noun? *Scharshull* dist qil ne poeit dedire qe cel pree nest comoune a les autres comouners de la ville quele chose nous dioms ne sestent rien deuers lui en ceste manere qe par ij. aunz quant les terres aioynauntz al dit pree sount arrez qe apres les bleez siez et emportez les autres comouners de la ville pount comouner del temps auantdit tantqe a la Chaundelure et demaundoms iugement de pus qe nous moustroms desappendaunce de comoune en cel pree en le temps Rauf a la dite terre et il ne moustrent nul fet especial dauer comoune en cel lieu ne appendaunt de temps plus haut, nomement de temps dount memorie ne court mes vne seisine pus le temps Rauf qe ne fet pas appendaunce si assise deuie estre. *Aldeburgh:* Et nous iugement de pus qe vous auez conu la seisine noz auncestour et le nostre et qe le lieu est comoune a tous les comouners de la ville et la terre auncine terre a qi comoune est appendaunt de tut temps si nous ne deuoms assise auer. **Ad alium diem**, *Aldeburgh*: Sire, nous vous dioms qe de temps dount memorie ne court auant le temps Rauf de Aungtone a ceste terre fust comoune appendaunt en le dit pree et pus le temps Rauf de Aungtone nous et noz auncestours de tut temps auoms comoune par qei nous demaundoms iugement si par nul interrupcioun allege en temps Rauf nous puisse de lassise barrer. *Scharshull:* Vous nauendrez mie a tiel plee qar auant ceste houre nous demaundoms en iugement sur certein point quant nous moustrams desappendance en temps Rauf quel vous ne dedite pas, et fust le poynt en quel nous demurams si par tant qe le pree fust comoune a autres de tut temps quel ne se poet esteindre a vous en nule manere deuez lassise auer, par qei vous denlarger vostre plee de temps en seisine en temps deuant la seisine Rauf ne deuez auouir et vnqore ne moustrez pas queux terres tenantz auant cel temps auoient comoune a qei nous purroms prendre issu si la court nous meiste a cel. SCROPE: Quant il

poet dire en afforceaunt de moustrer appendance qil auendreit bien et quant qe vous sauez dire de moustrer desappendaunce vous auendrez bien de pus qe vostre plee ne sestent pas a autre issu qe nest plede mes il vous couent qe vous moustrez queux terres tenantz furent seisiz de la comoune de tut temps auaunt le temps Rauf de A. si auis soit a la court qe la partie serra mis a ceo respondre. *Aldeburgh :* Il y ad cas ou chose est apurtenant et ne poet en nul manere estre seuere de gros qar si auoweson de eglise soit apurtenant il purreit estre seuere par alienacioun, mes la ou homme ad comoune appendaunt a vne terre lune ne purreit iammes estre seuere de lautre par qei de pus qe nous moustroms la comoune estre appendant de tut temps auant la seisine Rauf qe se ioynt a la seisine et ceo nest pas dedit de vous nous prioms lassise. *Horneby :* Bien est verite qe comoune ne poet pas estre seuere de gros par alienacioun, mes il poet estre esteint par relees et en ceo cas la vuie seisine en la parsone Rauf est de meisme la force qe serroit relees ; par qei etc. *Scharshull :* Si vn seignur dune ville me enfeffe de parcele de ses demeignes terres il comonera en cele parcele et ieo en sa terre par veisinage. SCROPE : Si ieo enfefferai vn homme de parcele de ma terre ieo voille reseruer a moi comoune en cele parcel par mon fait, *quasi dicerit si* la comoune ne seit reserue par fet il est ouste de comoune par vuie seisine en ma parsone. Et pus demurerent en iugement com deuant.

IOHAN BRON[1] porta vn assise de nouel disseisine vers William [1-B Semor et fist sa pleynt de comouner en (oue[1]) chescun maner de bestes en vj° acres de pree chescun an du temps qe les feyns sont fauchez leuetz et veynt tanqe la seison de la Purificatioun nostre dame come appurtenant a son fraunctenement en mesme la ville. *Scharshull :* Assise ne deit estre car nous dioms qe le vj° acres de pree en le queux Iohan claime auer (la[1]) comoune estre appendaunt et les vj° acres de terre al queux il dist la comoune estre appendaunt furent en la seisine vn Rauf de Hengham en temps le Roi E[dward] ael le Roi qore est qe de ceo fust seisi en son demene come de fee et de droit le quel Rauf de cel enfeffa vn A. ael Iohan a lui et [a] ces heirs a touz iours issint qe en le temps R. il nauoit nulle comoune en le pree appendaunt a la terre, *nec e contra*, et demaunda iugement de puis qil nauoit adonqes nulle comoune en le pree appurtenaunt ala terre assise deiue estre saunz title moustrer. *Aldeburgh :* Seisi come appendaunt, prest etc. *Hillary :* Nous auoms plede vn fait qe proue qil neste mye appendaunt a qai il couent qe vous responetz, et en contre quel fait vous naueretz mye auerement qe la comoune fust appendaunt etc. SCROP : Al temps qil vous furent en vn mayn suffit qar il poet pestre a (soun[1]) volunte et al (cell[1]) temps come en le pree ne put estre appurtenaunt a la terre a comoune entendement de homme, par qai responetz sil soit issint ou nemye. *Aldeburgh :* Sire, vous nous dioms qe cel pree et autre qest en le chaump oue cel pree est comoune a touz les gentz qi sount de la ville en temps ouert et mesme celui I. doit par resoun de cel pree comouner en les preez de cels visues et chescun qe ad pree illoqes deit comouner en autre pree et cel ount il vsee del temps dount il ny ad memorie, et vous dioms qe nous sumus comouners de la ville et issint fumus seisi tanqe par vous disseisi et prioms lassise. *Scharshull :* Vous ne detz pas qe la pree et la terre ne furent en vn meyn pus le temps de memorie. *Aldeburgh :* Teigne la court de ceo . . . lui plest. *Scharshull :* Donk demaundoms nous iugement de si com nous auoms

Assise nouel disseisine [d comoune depasture [ou] le tenaunt moustra coment la comoune fust a vn temps en la meyn [vn autre] issint desapendaun etc. et a ceo f[ut] mys a respoundre.

[1] This version of the case is from MS. *Ry* (Latin MS. 180, f. 13). There are a few words interlined by a much later hand which are not legible and which are here indicated " . . . ".

(rien apled[d]) alegge vn fait qe proue qe cel comoune ne poet estre appurtenaunt a fraunc [tenement] Iohan le quel il ount conu al estat de autres comouner[s] nous auoms rien apleder qe cest inpartinent a la pleynt ore fait par qai nous demaundoms iugement come deuant si assise deyue estre. CANTEBRIGGE: Si touz les comouners deueynt comouner en cel pree et vne de eux portast bref damesurement ne currale la terre en amesurement? *Scharshull:* Si freit vers autres qe vers Iohan, mes si Iohan portast le bref ieo lui pledrai mesme (mesme[d]) le ple qe ieo pleide ore. SCROP: Vous violletz auer iugement sur le fait qe vous aleggetz [f. 13v] et il voluit auer iugement sur le fait qil alleggent; par qei il couent qe vous seietz (et tenes a un chose) a vn de vn parte et dautre. *Schardelowe:* Del fet qil aleggent ieo ne deye estre mys a conustre le fait ne a dedire qar mesqe ieo le dedie et troue fust lour dit qe touz les comouners de la ville autres de lui deueynt comouner vnqore rien ne serroit troue pur I. de lapendantz de cel comoune, par qai il semble qe ieo ne dei mye estre mys a conustre cel fet ne a dedire qar vous ne accepteretz mye mon dedit de puis qe par le reuers de ceo mes qil fust troue vous naueretz mye cause daler al iugement. SCROP: Asayetz et puis illuy mist a conustre ou a dedire. *Scharshull:* Nous vous dioms qe les pres ou les comouners deyuent comouner sount entre ij° chaumps et vous dioms qe deux aunz sount les champs semez et le tierce an il sount Warek issint qe quant il sont semetz il deyuent comouner del temps qe les blez sount siez et enportez tanqe la Chaundelure et en temps de Warek de temps qil ount clayme et de puis qe ceo fet qils aleggent ne proue autre forqe ceux qe ount dire de comouner com appendaunt a lour fraunctenement et en leu ou lapendantz poet estre meyntenu et ceo ne poet estre entre I. et W. en cel pre pur ceo qe nous auoms moustre qi a vn temps il nauoyt mye comoune appendaunt; nous demaundoms iugement si par cel qil aleggent qe ne proue mie la comoune estre appendaunt etc. si assise sur tiele fait etc. SCROP: Si vn seignur enffast vn fraunc homme de la terre son neyf a lui et a ces heyrs dount apres si le seignur mette ces bestes com vn autre veysin comouner si deux plest il ne pust prendre ces bestes pur damages fesaunt. *Scharshull:* De ceo touz iours nous voloms estre a vous iugement ne les desuroms iammes. *Aldeburgh:* De puis qe le vj° acres de terre si est aunciene conatrite alicone' [*sic*] et chescun de la ville qe tiel terre ad si deit comouner illoqes la quel chose vous auetz com nous; iugement et prioms lassise. *Scharshull:* Ieo lay conu a chescun autre de ly et iai alegge vn foye (chose[t]) qe proue qil ne poet illoqes comoune auer dount *vt prius* nous demaundoms iugement si assise deyuez auer; *et sic ad iudicium.*

Assisa noue disseisine.

ELYS LE FITZ[1] Vmfrei Cut porta vne assise de nouel disseisine vers [2-A Laurence le fitz Laurence de Prestone et fist sa pleinte dun profist prendre pur la garde del park et del boys de Prestone et ij° cultures, *scilicet* Ouercroft et Nethercroft, *scilicet* checun iour del an vn *d.* ob. pur sa putture et dune robe pris de x. *s.* ou x. *s.* pur la robe a la feste de Nowel. *Aldeburgh:* Iugement de la

[1] This case is reported in MSS. *La, Lb, Ld, Os, Bg, Bh* (twice), *Ry, Cw, Bc, Ha, Ob, Ot, Lx.* This version of the case is from *La, Lb, Ld, Bg, Bh*(*1*), and MS. *Ld* has been used as the basis for the text here printed. MS. *Cw begins:* "Assise de nouel disseisine fuit porte vers vn homme ou le pleynt fuit tiele—et se pleynt destre disseisi dun profit aprendre del parke de Prestoun et de boyz de mesme la ville et deux concoures chescun iour par my lan et pur soun pasture iij. mailles et dun Robe a Nouel pris de x. *s.* . . ." MSS. *Bc, Ha, Ob, Ot, Lx begin:* "En assise de nouel disseisine la pleynt fut feit dun profit prendre pur la garde dun Bois de P. *s.* iij. mailles chescun iour par lan pur sa peture et vne Robe pris de x. *s.* chescun an a la feste de Noel. Ald. Il suppose . . ."

pleinte qar il se pleint dun profit prendre pur la garde del Park *vt supra* quel profist est accessore de la garde qest principal de quel il se pleint, iugement etc. Ausint, il se pleint dun profit a prendre qest done a prendre en certein lieu par statut et il nad pas fait mencioun en quel lieu il le deit prendre, iugement, etc. Ausint, pleinte de profit prendre est done par statut *cum de nucibus et glandibus* qest chose en noun certein pur ceo qil chiet a la foitz en plus et a la foitz en meynz et a ceo de qei il se pleint ore poet estre assoumme en certein com a dire xv. *s.* vj. *d.* pur vn an entier, et de la rente dune robe par an etc. qe chiet en pleinte de rente a la comoune lei qest en certein, iugement etc. Ausint, il se pleint estre disseisi dune robe pris de x. *s.* etc. qest en noun certein en tant qe la court ne poet faire execucioun si la disseisine fust troue com a doner a lui la robe ou les x. *s.* etc. iugement etc. Ausint, le fet qil mettent auant proue le profit a prendre pur la garde etc. et ouesqe ceo dauer lespande de checune beste sauuage pris en le boys et herbage pur iiij. bestes et cest vn frauctenement entier ou vous lauez seuere par pleinte, iugement. Ausint, il se pleint de profit *vt supra* et en le fet est contenu qil deit prendre le profit auantdit auxi auant pur le reperiller des hayes en les auauntdit boys, et park com pur la garde del park etc. de qei il nad pas fait mencioun en sa pleinte, iugement. *Bacoun :* Quant al primer, ley ne nous mette pas de pleindre dautre chose mes de ceo de qei nous sumus disseisi et cest del profit et nemie del garde, par qei en ceo nostre pleinte est assez bone. Quant al secunde, nostre bref et nostre especialte voillent des tenementz en Prestoune et issint la pleinte garrant du bref et del especialte. Quant al tierce, si nous meissoms auaunt le fet la pleinte serreit de garrante del fet qar le fet voet de profit prendre de iour en iour par reson de la garde etc. et sil fust assomme en vn entier il serreit variaunt del fet qe ne poet estre mentenu a la comoune lei et aussi lestatut voet *de glandibus etc. et hijs similibus* et nous sumus en le *similibus* et issi garraunt par statut. CANTEBRIGGE *ad idem :* Si ceste pleinte abatereit il nauereit nule pleint par statut ne par comoune lei qar ala comoune lei il ny auoit nule pleinte done etc. [*Bacoun :*] Quant al quart poynt, il chiet en volente del tenant a payer les x. *s.* ou la robe pris de x. *s.* et ceo chiet en volente del tenant ne poet par nous estre mis en certein mes solonc nostre fet. Quant al quint poynt, le fet comprent diuerses clauses de checune parcele et issi la pleinte meintenue par le fet, et de ceo qe ieo suy disseisi de ceo ieo me suy pleint. *Scharshull :* Si ieo eie vne corrodie a prendre iij. payns en la simaigne et iiij. galons de ceruoise et soi disseisi des payns ieo me pleindrai estre disseisi des payns et de la ceruoise pur ceo qe ceo est vn franctenement entier et ne prendrai pas la pleinte de parcele, *sic hic.* SCROPE : Non freez qar la pleinte serra meintenu des payns tant-soulement entrelessaunt la ceruoise, mes la pleinte ne serra pas meintenu si vous soiez disseisi de parcele dune meisme nature com si vous deuez prendre iiij. payns et vous soiez disseisi de les ij. et facez vostre pleinte dautres ij. ; en tiel cas il couent pleindre de iiij. payns entierment ou la pleinte sabatera *eodem modo* de la ceruoise la cause pur la seisine del parcele dune meisme nature. *Bacoun :* Et quant al sisine poynt, nostre fet nous doune le profit pur la garde mes le reperiller des hayes est le seruice qe nous fesoms pur la garde et le fet fust leu et acorda a son dit, qil deit reperiller les hayes del park et del boys pur tous seruices ; pur queux seruices dist fust par SCROPE qe le seignur poeit destreindre si les hayes ne fuissent reperilles par les bestes le dit Elys trouez en le dit boys. *Aldeburgh :* Sire, nous vous dioms qe al temps de la charge vn Robert et Iohan

furent tenantz del parcel du manoir de Prestone charge de ceo profit les queux ne sount pas nomez en le bref, iugement du bref. *Et alij non potuerunt dedicere, ideo consideratum erat quod nichil capiet per breue.*

[Assise] nouel disseisine de [profi]t aprendre pur [la] garde de la [park] etc. ou fust . . . ch' de corodie . rente seruice.

WILLIAM [1] fitz Helys porta vne assise de nouel disseisine vers [2-B Laurence de Prestone *de libero tenemento suo in Prestone*, et fist sa pleynt de profit aprendre pur la garde de la park de Prestone et de Boys de B., nomement pur sa puture chescun iour de la semayn par an treis mails et dun Robe pris de x. southe, et mist auant especialte.[2] *Aldeburgh :* Il suppose par sa pleynte qil deit auer vn profist par la garde du Park etc. issint qe le profit est vne accessorie a la garde et il ne ceo pleynt pas de la garde qest principal, par qei nous demaundoms iugement de sa pleynt. *Item*, lastatut doune assise de prendre profist en certeyn lieu vous nauetz pas dist certeyn lieu en vostre pleynt ; iugement etc. *Godel :* Quant a vostre primer excepcioun, le profist nie[n]t don pur la garde et de ceo fu disseisi et [f. 14] noun pas de la garde, par qai de profist dont ieo su disseisi lestatut moy doune lassise ; a lautre excepcioun, le bref vous respound *de libero tenemento in Prestone*. *Scharshull :* En cas destat[ut] la ou le stat[ut] doune lassise auxi come de Noys [et] de glaundes pur ceo qe ala foithe homme auera x. quarters on vn bussel ou vn homme ne put pas doner certeyn quantite en tiel cas par nettre de ley il couent doner la pleynt acordaunt, mes de rente ou de terre ou homme put auer certeyn quantite tut dis la pleynt serra de quantite certeyn et de puis qe vous ester pleynt de iij° mayles de iour qe poet estre assume en certeyn par an, iugement de vostre pleynt. SCROP : Il ad fait sa pleynt acordaunt a son fet, par qai respondez. *Clauer :* Le fait voet le profit dount il se pleynt et auxi de chescun beste pris en la park vn espande et auxi qil eit pasture a quatre poleyns ou il ne ceo pleynt mye de par qai la ley suppose qil est seisi et ceo est tut vn fraunc[tenement], par qai sil est seisi de parcel il est seisi del enteir auxi come de rente sil est seisi de parcel il est seisi del enteir, qar tant qil est seisi de nulle dener il ne poet nulle assise auer. SCROP : Il nest pas tut de corodie com il est de Rente, mes issint est de decorodie [3] qe si vous seietz seisi du payn dun corodie vous poetz bien auer assise de ceruoyse, mes si vous deuetz auer v° payns et si vous seietz seisi dun vous ne poetz my vser lassise. *Aldeburgh :* Vous auetz dit en vostre pleynt qe vous auetz cel profist dont vous estes pleynt pur la garde del park et del Boys et vostre fait (voet[1]) qe vous enclorsetz les hayes de Boys, issint qe vous nauetz my (dist[1]) enterement la charge en vostre pleynt pur quel vous demandetz cel profist et demandoms iugement de vostre pleynt. *Godel* : Cel charge com enclore les haies est par autre cause com le fait proue. SCROP : Le fait proue qil est feffe de la garde a lui et a ces heirs de soun corps engendretz a tener de feffours denclore les haies par qei il tient de lui pur tiel seruice et si les seruices furrent arrer il luy poet destreindre pur cel seruice en la garde, *contre qualitate ex quo feoffator est dominus feodi.*

Detinue de chartre.

BRIEF DE DETENUE [4] de chartre fust porte par iij. vers vn I. et [3-A

[1] This version of the case is from *Ry* (Latin MS. 180, f. 13v). The marginal note has been clipped in binding and a few words are illegible.

[2] MS. *Bh*(2) *after beginning this case like Ry here adds* " Et nota qe Elys de Godelee qe fust pur le pleintif mist auant ceo fait sur sa pleinte et la Court estre ceo par mesme le fait qil mette auaunt vous troueretz qil deit prendre autre profit . . .". MS. *Bh*(2) *concludes this case :* " Godel. Soul tenaunt, prest etc. . . ." [3] *Sic.*

[4] This case is reported in MSS. *La, Lb, Ld, Os, Bh, Ry, Cw, Ha, Ob, Bc, Ot, Lx.* This version of the case is from *La, Lb, Ld, Os, Bh.* MS. *Ld* has been used as the basis for the text here printed.

counterent qen la chartre fust contenu qun Adam auoit enfeffe ceux iij. ensemblement oue autres iij. dun mies oue les apurtenaunces en A. *Bacoun :* A. si est aunciene demeigne le Roi et le mies qest compris en la chartre si est en A. et nentendoms pas qe vous voillez en ceo plee conustre. *Aldeburgh :* Le mies nest pas en demaunde, par qei etc. *Bacoun :* Si vous fussez en vn replegiare et vous countastes del prise en A. ieo dirrai qe le lieu etc. fust aunciene demeigne et issint toudrai iurisdictioun de court, *sic hic.* *Aldeburgh :* Nent semblable qar la par plee de partie poet le plee estre tourne en realte et issi nemie en ceo cas. *Bacoun :* Auant lauowerie ieo plederai tiel plee come ieo frai en cel plee et issi nent en realte auant mon chalenge. SCROPE : Ceux del aunciene demeigne ne pount pas auer conisaunce si noun de contracts deinz lour poer, par qei coment qe le mies soit del aunciene demeigne le bail purra estre hors de aunciene demeigne. *Bacoun :* Il ad counte qe le bail se fist en A. qest aunciene demeigne etc. SCROPE : Qei si le defendaunt en ceo plee nad rien daunciene demeigne par qei il poet estre mene en respons coment donqes serreit le pleintif santz recouerer et furent chacez a dire outre. *Scharshull :* Vous veez bien coment il ad counte dune detenue fait a les iij. et pus en sa demoustrance ad demoustre le fet estre a autres auxi bien com a eux issi le count repugnant, par qei etc. SCROPE : Le bail se fist par les iij. de quel bail nul autre ne se poet pleindre mes les iij. mes quant le fet est derene adonqes serra le fait en comoune pur eux tous qi sount nomez leinz, qar si ieo baille vn escript a vn homme qe contient feffement fet a moy et il le bail outre a vn autre *non obstante* qe le fet soit fet a moi il auera son recouerer et moi outre deuers lui, par qei responez. *Schardelowe :* Il ne nous bailla pas, prest a fere par la ley ou par quant qe la court agarde. *Scharshull:* Volez ceo pur respons, nous enparleroms. *Clauer :* Nous tendoms la lei ou par autre manere com la court agarde, par qei si la court agarde qe lissu ne soit pas suffisant nous dirroms assez. *Scharshull :* Vous le tendez a vostre peril ? *Clauer :* En mise de graunt assise qe seit le plus haut issu qe seit en lei de terre vnqore homme le purreit Weyuer et prendre autre issu sil ne soit mie accepte et si la fourme soit chalenge il ne lamendra pas. Et pus dist qil ne le receut pas de lour bail ne le detient pas, prest etc. *Et alij e contra.* Et SCROPE dist qe lissu sur la receit eust este respons assez sanz respondre a la detenue.[1]

TREYS [2] porterunt vn bref de detenu de chartres vers [vn] homme [3-B par qi les iij^or^ et autres ij furent enfeffez dez certeinz tenementz queles iij^or^ li baillent la chartre arendre a lour volunte. *Scharshull :* Nous vous dioms qe les tenementz [f. 27] dont vous dites qe vous estes enfeffe par la chartre qe vous demandes sount en launcien demene ou nulle bref ne court forqe petit bref de droit par qei nous nentendoms mye qe en cest plee voilletz conistre. *Hillary :*[3] Des tenementz daunciene demene homme ne poet pas conustre en ceo court mes ceo ple nest pas des tenementz dancien demene eynz de detenue de chartre, par

MSS. *Bc, Ot, Lx begin thus :* "Trois porterent vn bref detenue dune chartre vers A. et counterent qa tort lour de tynt vne chartre de feffement en quele est contenuez qun T. enfeffa les trois qe porterent le bref et a autre iij. a eux et a lour heires dun mees en la ville de C. et pur ceo a tort . . . *Schar.* defendit les damages etc. et dit qe les mees dont il suppose la chartre estre fait est en auncune demesne etc. . . . ".

[1] *A later hand has added in Ld* " Quod non est lex etc."

[2] This version of the case is from *Ry* (Latin MS. 180, f. 26^v^). This same version is reported in *Cw, Ha, Ob.*

[3] Hille, *MS.*

qai nentendoms mye qe vous pussetz par tant ioier cest iurisdictioun. *Bacoun :* Si ieo porta vn replegiare et la partie die qe le lieu ou la prise fut fait si est aunciene demene il tendra par taunt cest court iurisdictioun de cest plee et ne queydent cest plee nest pas de terre ne de tenementz en aunciene demene eynz est de prise des auers et pur ceo qe la prise fut fait en aunciene demene pur ceo tendront il la le plee auxi *hic* del hundred qe le plee est done de chartre fait des tenementz en aunciene demene etc. *Aldeburgh :* En vn prise des auers quant la partie defend[ant] auowe et homme plede a son auowere donk chiet le plee en realte et ceo est la cause pur quei homme tendra le plee la qar ceo qe touche realte en aunciene demene deit estre pleide la ; mes ceo est vn ple de qai ils ne deueynt auer plus de conissaunce qe dun trespas ou de vn dette car si ieo porte mon bref de trespas fait a moy en aunciene demene ou dun dette par resoun de obligacioun fait en aunciene demene il ne tendra pas a cest court conissance pur ceo qe cest tout en la personalte nient plus si del houre qe cest vn plee personel. *Bacoun :* Auxi est vne plee de prise des auers personel par qai par mesme la reson deuient il tener cel plee la come de prise des auers. SCROP : Veez qe le meschief ensueroit si vn ple de tenu dun chartre fait de tenementz en aunciene demene ne serroit tenu cy car (mettoms[1]) qe la baillaunce de la chartre fust fait hors daunciene demene la ou il ne ount pas power de faire vener enquest de lieu hors daunceiene demene la partie est saunz recouerer. *Bacoun :* Sire, il counterent cy dun baillement fait en aunciene demene issint poet il trier (vn aunciene demene[d]) le baille, par qai, Sire, il deueynt auer (la[t]) conissance de cel ple. SCROP : La ley deit estre vn, par qai del houre qen vn poynt il ne deueynt auer conissaunce en autre poient de mesme la nature, par qai respondez. *Scharshull :* Sire, vous voeez bien coment il ount counte qe iij° et autres ij° furent feffez par cest chartre de certeynz tenementz issint qe les autres ij par ley deueynt auer la chartre auxi bien com les iij par qai laccioun serroit done a ceux v° pur la detenu de cest chartre et nient a eux iij soul, et demaundoms iugement de cest bref. *Hill[ary]* : A eux est laccioun qe baillerent la chartre car laccioun de detenu de chartre si est par resoun du baillement par qai a ceux iij qe furent parties al baillement si appent laccioun. *Scharshull* : Il ne bailla point com il ount counte, prest de faire par la ley [f. 27v]. *Hill[ary] :* Voiletz ceo par respouns ? *Clauer :* Nous le voloms pur tiel com il est. SCROP : Cest respouns si est paremptorie, par qai il couent qe il soit auowe. *Scharshull :* Il nous bailla nul chartre ne nulle detenoms, prest. *Et alij e contra.*

Bref de dreit ou la bataille fust gage.

THOMAS LE FITZ[1] Hugh de Stauntoun porta vn bref de dreit [4-A dauoweson dune eglise vers le Priour de Lentoun et counta qe atort lui deforcent lauowesoun del eglise de Herlastoun ous les apurtenances. Et pur ceo a tort qe ceo est son dreit et son heritage et dount vn son auncestre William par noun de ceo fust seisi com de fee et de dreit en temps de pees en temps le Roi Henri besael nostre seigneur le Roi qorest qi a meisme le temps presenta vn son clerk William de Grendoun par noun qi a son presentement fust receu et institut de Euesqe en temps de pees en temps de meisme le Roi le quel Clerk les esplees prist

[1] This case is reported in MSS. *La, Lb, Ld, Os, Ot, Cw, Bc, Bg, Ha, Ob, Lx, Bh* and *Ry*. Version 4-A here printed is from *Ld*. This same version (with unimportant variations) is also reported in all of the other MSS. except MS. *Ry*. The first part of the case is missing in MS. *Bc* due to the loss of a leaf from the MS. This case is mentioned in *Y. B. Trinity*, 20 *Edward III* (1346), 482, pl. 5, at p. 487 (Rolls Series).

com en groses dismes en menutz dismes en oblacouns obuencouns et en autre manere dissu de Eglise mountaunt a demi marc et plus com du dreit de Eglise auauntdit ; de William descenda le dreit etc. a William com a fitz et heir ; de William a William com a fitz et heir de William pur ceo qil morust santz heir etc. descenda le dreit etc. a Richard com a frer et heir; de Richard a Clemence com a fille et heir ; de Clemence descenda le dreit a Thomas com a fitz et heir qore demaunde et qe tiel soit son dreit il tende sieute et dereigne bon. *Godele*, pur le Priour, defendi tort et force etc. et demaunda le bref oyer et defend de rechief etc. et isist denparler et reuynt et defend tort et force etc. et rehercea tut le counte et sur ceo defend tort et force et le dreit Thomas tut atrenche et la seisine William son auncestre de qi seisine il ad countee tut outre com de fee et de dreit nomement del auoweson del Eglise de Herlestoun qi de ceo fust seisi com de fee et de dreit a ceo qil ad dit et prest est a defendre le par le corps vn son fraunc home William le fitz Iohan par noun qi cy est prest a defendre le par son corps ou par quant qe ceste court agard qe defendre le deiue et si mes aueigne a meisme cesti William qi deux defend prest est a defendre le par autre qi deit poet et le seriaunt qi dist les paroles prist le bras le Champioun en sa mayn quant il engagea la bataille, et le Champion fust vestu en sa cote deseint et descheuele et deschauce des soulers et ses maunchez reuersez issint qe ses bras furent nuz et tint sa mayn destre leue et en ceo vn gaunt plie et en checun doyte de gaunt vn dener et sur ceo Thomas pria conge denparler et isist et reuynt et dist par *Schardelowe* : Sire, vous auez bien entendu coment Thomas le fitz Hugh de Stauntoun demaunde vers le Priour de Lentoun lauoweson del Eglise de Herlestoun et [ad] countee qe ceo est son dreit et son heritage, reherceaunt le count de parole en parole tantqe a la fin et ad tendu sieute et dereigne a qei le Priour ad defendu le dreit Thomas tut atrenche et la seisine William son auncestre de qi seisine il ad counte tut outre com de fee et de dreit reherceaunt totes les paroles en la manere com le Priour gagea la bataille et pus dit, Sire, vous auez cy Thomas le fitz Hughe de Stauntoun qi vous dist qe a tort defende il son dreit tut atrenche et la seisine son auncestre William par noun de qi seisine il ad counte tut outre com de fee et de dreit nomement del auoweson del Eglise de Herlestoun, et pur ceo a tort qe ceo est son dreit et son heritage par la resoun qe William son auncestre par noun de cele auoweson fust seisi etc. reherceaunt tut le counte santz nule parole entrelesser tantqe ceste clause " qe tiel soit son dreit " etc. dist et qe tiel soit son dreit cest il prest a dereigner par le corps vn son fraunc homme William le fitz Thomas par noun qi cy est prest est a defendre le par son corps ou par quant qe ceste Court agarde qe dereigne le deiue, et si mes aueigne a meisme cesti William le fitz Thomas, qe deux defend, prest est a defendre le par autre qe deiue et puisse et entendaunt le dereigner le seriaunt tint le Champioun le demaundaunt par le bras et meismes cest Champioun estut en meisme la manere a la barre com fist lautre deuaunt ; pus fust comaunde par les Iustices qe ambedeux les Champions venissent entre la barre tantqe en baunk et il le firent et comaunde fust qe lun estut al vn boute de la table et lautre a lautre boute. Les Iustices regarderunt lour piees sil fussent deschausez de soulers, *et sic fuerent*. Pus SCROPE demaunda de les parties sil sauoient rien dire qe ascun de eux auoit rien mespris en termes de lei ou ils sauoient rien dire a les parsones des Champions et ils disoient qe noun. Par qei SCROPE dist al Champion le tenaunt qil renda sus son gaunt a lui. Le Champion se genula deuant lui et le fist et pus dist al

Champion le demaundant en meisme la manere et il le fist. Pus SCROPE saka hors du gaunt le Champion le tenaunt v. *d.* et les remist en mesme le gaunt, et en meisme la manere fist al gaunt le Champion le demaundant, et pus dona al Champion le demaundant son gaunt demeigne et a le Champion le tenant en meisme la manere, et pus il demaunda a les Champions sils firent prestes de parfourmer la bataille solonc ceo qe les parties lauoient tendutz, et il disoient qe oil. Par qei il comaunda al Champioun le tenaunt de profier son gaunt al Champioun le demaundaunt, *et sic fecit.* Le Champion le demaundant le receut et pus comaunda al Champioun le demaundant en meisme la manere, et il le fist et pus il comaunda al vn et lautre qils rendisent sus les gauntz a lui, *et sic fecerunt.* Et pus SCROPE rebailla a chescun des Champions son gaunt demeigne. Et pus SCROPE demaunda des parties sils sauoient rien dire par qei la court ne deuereit agarder le bataille. Il disoient qe noun, par qei SCROPE dist a les parties qils dussent trouer plegges de parfourmer la bataille *et sic fecerunt ;* checun ij. plegges. SCROPE : Nous auoms entendu coment vous auez gage la bataille dune part et dautre par qei depus qe vous ne sauez rien dire pur qei la bataille ne deit estre agarde si agarde ceste court qe la bataille se face et vous donoms iour le Lundi en la secunde sigmaigne de Quarreme dauer cy a meisme le iour voz champions correiz de bataille prest a parfourmer la bataille solonc ceo qe vous auez tendu ; et pus comaunda as Champions qe nul aprochast a autre en le mene temps de nule part et puis dit as parties qe chescun de eux deueroit garder son champioun issint qe nul approchast a autre sur le peril qappent et pus dist al tenaunt qil prist son champioun et qil lui amenast a vne eglise et al demaundaunt qil prist son Champion et qil lui amenast a vne autre Eglise de ofrer a les Eglises lun et lautre les v. *d.* qe furent en lour gauntz en le honour de v. playes dieu qe dieu durreit la victorie a ce lui qi dreit en ad. Et pus SCROPE dist a les parties qil venissent a lour iours oue lour Champions et eux frount vn serment a la barre et vn autre en chaumpe ; en le samadi prochein deuant le Lundi auauntdit SCROPE fist les parties amener lour Champions en vne Chaumbre priuement checun par eux meismes de veer (lour^{d}) (le^{l}) apparail et SCROPE ala en la chaumbre et fist le Priour venir deuant li oue son champioun de veer lapparaille le Champioun et en regardaunt le quir il le troue doubles oue vne autre quir, par qei SCROPE comaunda del ouster et pus mesura la longure del bastoun et fust troue del longure de v. quarters dune alne, et fust aiugge de bone assise. Et pus lescu feust troue del longure dune alne et de la lenre de iij. quarters et fust aiuge assise certeine outre quele assise homme ne deit passer mes il dona conge de vser les de meindre assise solonc la volonte le Champioun et pus lui comaunda dauer son Champion prest au iour assigne et en meisme la manere fist al demaundant. **A quel iour** le tenant vynt et dist par *Scharshull :* Sire, vous auez cy le Priour de Lentoun oue son seriaunt William le fitz Iohan par noun qe cy est corree de bataille prest a faire et a parfourmer par la grace de dieux ceo qe la court nostre seignur le Roi ad agarde et agardera et se profre vers Thomas le fitz Hughe de Stauntoun et prie qil soit demaunde et fust demaunde qi vynt et dist par *Schardelowe :* Sire, vous auez cy Thomas le fitz Hughe de Stauntoun oue son seriaunt William le fitz Thomas par noun qi cy est correie de bataille prest a faire et a parfourmer ceo qe la court nostre seignur le Roi ad agarde et agardera et se profre vers le Priour etc. Et pus SCROPE fist le Champion le tenaunt estre deuers le North et le Champioun le demaundaunt deuers le south, et comaunda le Champioun

le Priour qil preist le Champioun Thomas par la mayn destre oue sa mayn senestre et qil lui tensist suef santz destreindre lui en greuer et qil meist sa mayn destre al liuere et qil deist checune parole solonc ceo qil serroit charge santz dire plus ou meynz et fust charge en ceste manere : Ceo oyez vous homme qe ieo par la mayn tienk qe par noun de Baptesme vous fetes appellir William qe Thomas le fitz Hughe de Stauntoun nad nul dreit en lauowesoun del eglise de Herlestoun etc. et qe William son auncestre de qi seisine il ad counte vnqes de cele auoweson ne fust seisi etc. et dist tut le counte outrement mes qe ceo fust le dreit le Priour et se iura si dieux lui eide et les seintz. Apres ceo fust dit al Champioun le demaundaunt qil prist le Champioun le Priour par la mayn en la fourme qil lui auoit pris et qil meist sa mayn destre al liuere et fust charge en ceste manere : Ceo oyez vous homme qe ieo par la main tienk qe par noun de Baptesme vous fetes appeller William qe vous estes pariours et pur ceo pariours qe lauoweson etc. si est le dreit Thomas le fitz Hughe de Stauntoun et par la reson qun son auncestour William par noun etc. et rechapitula tut le counte et ceo iura si dieux lui eide et ses seintz. *Et nota* qe quant les Champiouns vyndrent a la barre lour escuz furent portez ouesqes eux et tenutz outre lour testes tant com ils esturent a la barre et oue lun et lautre furent portex ij. bastouns et liuerez a la court et la Iustice eslust de ij. lun et le bailla al Champioun le tenaunt et auxi al Champion le demaundaunt. *Et nota* qe cest a la volonte des Champions dauer lour escus et lour bastouns greindres ou meindres a lour peril demeigne, et issint qils ne passent pas lassise limite deuant. Pus SCROPE demaunda del Priour qi il voleit qi porta lescu son Champioun en la place etc. et le Priour respond qe meisme celui qi le tient ; pus demaunda qi il voleit qi porta son bastoun, et le Priour respound et noma Monsieur Richard de Moundeuille, Chiualer, qi lemprist et a lui fust le bastoun liuere et pus demaunda en qi garde il voleit qe son champion fust tant qil venist a la place et le (Priour[1]) respond et noma vn Chiualer qi lemprist et a lui fust le Champioun liuere en meisme la fourme fust dit al demaundant et en meisme la fourme fust fait. Et pus SCROPE comaunda a les champions qe qaunt ils furent en bataille qe mesqe lun eust abatu lautre et il lui purreit tuer dun coupe et lune partie vousit parler de pees qe mesqe le baston fust leue et lui fust comaunde par la Court qil se tensit qil ne ferreit pas et ceo sur forfeture de vie et de membre tantqil eust conge de court, sur qi fust comaunde a les chiualers qi auoient les corps les champions en garde qil les amenassent en la place sauuement, et quant il vyndrent en la place les parties acorderunt qi vyndrent deuant les Iustices et prierent conge dacorder et le Priour dona deners au Roi *et habuit*. *Hillary* recreet la pees en ceste fourme qe Thomas le fitz Hughe de Stauntoun conust lauoweson del eglise de Herlestoun estre le dreit le Priour et le dreit de sa eglise de nostre dame de Lentoun et ceo relessa et quitclame [quites] de lui et de ses heirs al Priour et as ses successours a tous iours santz garraunte. SCROPE : Vous auez multe trauaille la court nostre seignur le Roi, par qei la court voet auer son dreit, cest a sauer qe les Champions facent lour auenuz oue oscus et bastouns santz crok et entrefererent les coupes le Roi, et pus il entreluterent. Et le Champion le tenaunt fust mis deuers le North et le Champioun le demaundant deuers le Suth et firent lour auenuz oue bastouns et oue escus et les fust dit par la court qe assez et adonqes entreluterent par ij. tourns et sendepartirent et la court se leua, et les Champions auoient bastouns de liuere de Court.

En bref de dreit dauoue- soun vers Priour il gaga batail et la batail fu resceu et agard et auient iour a fit la batail et en la place les parties acorderunt et le demaundant par fin relessa al tenant et fu receu.

THOMAS[1] fitz Hugh' de Stantoun porta son bref de droit de lauowe- [4-B soun deleglise de Herlestoun vers le Priour de Lentoun et counta vers lui qatort lui deforcent lauowesoun de leglise de Herlestoun et pur ceo atort qe cest soun droit et son heritage dount vn son auncestre Wautier par noun fust seisi come de fee et de droit en temps de pees et en temps le Roi Henrie besael nostre seignur le Roi Edward qore est etc. et a mesme la Eglise presente vn soun clerk W. de G. qe son presentement fust resceu et institut de Euesqe en temps de pees et en temps de mesme le Roi, le quel Clerk les esplees prist come en gros dimez et meunz dimes oblacions obuencions et autre manere issue del Eglise mountant a demi mark et plus come du droit de le Eglise auantdit dont de Wautier descend le droit del auowesoun auandit et deuoit descendre a W. come a fitz et heir de W. pur ceo qil moru[s]t sanz heir de son corps descend etc. a Clement come a soere et heir de Clement a Thomas come a fitz et heir qore demaunde et qe tiel soit son droit il en ad sute bone et dereyne. *Godele :* Le Priour de Lentoun par soun atturne qe cy est defendi tort et force et le droit Thomas le fitz Hughe de Stantoun qilloeqes est par atturne et defendra etc. et demaunda oy du bref, *et habuit*, et pus defendi de rechief etc. et issit denparler et puis reuint et defendi a son entrir et rehercea son counte et quant il auoit reherce son counte et puis defendi en cest maner : Le Priour de Lentoun par soun atturne qe si est defendi tort et force [et] le droit Thomas fitz Hugh de Stayntoun qilloeqes est par atturne tut atrenche et lassisine son auncestre W. par noun de qi seisine il ad counte tut outre com de fee et de droit et nomement de lauowesoun de la Eglise de Herelstoun et prest est a defendre par le corps vn son fraunk homme William fitz Iohan qe cy est et ceo prist par le main destre qe prest est a defendre par soun corps et par quant (qe[1]) cest court agarde qe defendre le deit. Et si mes a veigne a mesme cesti William qe (dieu[1]) defend, prest est a defendre par autre qe faire le puis et deit. *Schardelowe :* Nous voloms enparler a vos congez, et puis reuint, Sire, vous auetz bien entendu coment Thomas fitz Hugh de Stantoun demaunde vers le Priour de Lentoun lauowesoun de Herlistoun cum son droit et son heritage et rehercea tut son counte a qai le Priour ad defendu tort et force et le droit Thomas auantdit tout atrenche et laseisine son auncestre W. par noun de [qi] seisine il ad counte tut outre cum de fee et de droit et dist qil est prest a defendre par le corps W. vn son fraunk homme W. fitz Thomas par noun qe cy est qe prest est a defendre par son corps ou par quant qe la court agarde qe defend le deit et si mes a veigne a mesme cesti [f. 8v.] W., qe dieu defende, il dist qil est prest a defendre par autre qe poiet et deit faire. *Schardelowe :* A tort defend le Priour de Lentoun le droit Thomas fitz Hugh' de Stauntoun tut atrenche et laseisine son auncestre tout outre cum de fee et de droit nomement del auowesoun del Eglise de Herlestoun com de fee et de droit. Et pur ceo atort qe cest son droit et son heritage dount vn son auncestre Wauter par noun fust seisi com de fee et de droit et counta autrement le counte qil aueit counte deuaunt tanqe a cel parole qe teil soit (soun[1]) droit et donqe dist il en tele manere, qe tele soit soun droit, prest est adreynere par le corps vn soun fraunk homme W. fitz Thomas par noun qe cy est et le prist par le meyn seynestre qe prest est a derenere par son corps et quant qe la court agarde qe derenere le deit. Et si mes a veigne a meisme celui W., qe dieu defende, prest est a drenere par autre qe faire le put et deit. SCROP :

[1] This version of the case is from *Ry* (Latin MS. 180, f. 8). The marginalia here is from *Ot.*

Sauetz rien dire pur qai cest bateille ne deit estre accepte ? Les seriauntz de vn part et de autre disaynt qe nanyl. SCROP : Al champion le Priour, venez deinz la barre, *et sic fecit*, et il fust deschapione et desceynte et deschaute des soulers et ces maunches reuerses del vn brace et del autre taunqe a la bonte de la la [1] ceure et auoit en sa mayn destre vn gaunt destre et en cheson daiel du gaunt j. *d.* etc. SCROP comaunda al Champion [le] demaundaunt de venir deinz la barre, *et sic fecit*, et fust de meisme larrai qe autre fust et dont quant il furunt ambedieux deuant esteauntz SCROP dist al champion le tenaunt qil luy baillast sa gaunt et engenulant le fist. SCROP avalast son chaperon et le resceut et pus dist en mesme la manere al champioun le demaundaunt qil luy ballast sa gaunt et issint fist. SCROP prist les deners hors de gauntz pur veer si en chescun daiel du gaunt fust vn dener et quant il les auoit counte il les remist et puis il bailla les gauntz [a les] champions arrere ; primer al C[hampion] le tenaunt et pus al C[hampion le] demaundaunt et demaunda de les seriauntz sil sauoynt rien dire qil auoit omission de la ley ou chalange a les persones par qei nous ne deuoms cest bataille agarder ? *Les Seriauntz :* Sire, nanyl. Et adonqe SCROP consela a ces compaignons et pus dit pur ceo qe vous ne sauetz nulle chalange dire nous agardoms la Bataille et comanda al champion le Priour bailler sa gaunt al champion le demaundaunt et fist issint et pus il dit en mesme la manere al champion le demaundaunt, fist issint, et pus il prist le gaunt al champion le tenaunt et pus de champion le demaundaunt et donqe rebailla chescun soen mes adonqes il rebailla primes al champion le demaundaunt, *quere tamen.* Et pus il demaunda del tenaunt plegges de la bataille et lui troua deux et pus le demaundaunt en mesme le manere et donqes il parla a ces compaygnons et apres dona iour de la bataille le Lundy en la secunde semagne de quarreyme et comanda a les champions qil ne venissent nulle part ensemble en marche nentamerie namanger ne a boyre (ne[1]) nulle part aliours et comanda a les parties qil les gardissent bien a lour peril. Et qil venissent prest al iour de la bataille corrais a quel iour lun fra serment a la barre et lautre en la chaump, *quere quis eorum*, et puis SCROP dit qe chescun champion alait offrere les v. *d.* en son gaunt al honour de dieu et de ces v. playes qe dieu vous doigne grace a faire dreturel bataille et qe celui ad la victorie qad le droit et par cel cause ils furent ordeinetz destre en chescun gaunt v. *d.* en le honur de v. playes de dieu et vous parties ales ouesqes eux mes ales a diuerses Eglises. Et *Aldeburgh* dist qils ne deuent lour champions chaunger sil ne soit par mort ou par maladie naturel et par tiel maladie qil ne poet bataille faire et si par soun fait ou par soun folie seit maleyme cest a peril cely qi champion il est. Et pur ceo soleynt les Iustices dirent a les parties qils les gardissent com enfauntz enbercez.

[1] *Sic.*

COPTIC BIBLICAL FRAGMENTS IN THE JOHN RYLANDS LIBRARY

By WALTER C. TILL, Dr. Phil.
DIRECTOR OF THE PAPYRUS COLLECTION OF THE AUSTRIAN NATIONAL LIBRARY, VIENNA

IN 1950 I had the honour to be invited by the University of Manchester to stay in Manchester for two months. This gave me a good opportunity to study the Coptic treasures of the John Rylands Library through the generous permission of the Librarian, Professor Edward Robertson. I express my best thanks to him and the rest of the staff of the John Rylands Library for their great friendliness and helpfulness; and I am grateful for the opportunity of publishing the following Coptic texts in this Bulletin.

Besides the biblical fragments which were edited by W. E. Crum in the "Catalogue of the Coptic manuscripts in the collection of the John Rylands Library, Manchester" (Manchester, 1909), nos. 1-18, or in previous publications indicated in the Catalogue, there are still more in the John Rylands Library which are not yet edited. They form part of the material which Dr. Rendel Harris acquired in Egypt for the John Rylands Library and about which W. E. Crum wrote an article: "New Coptic manuscripts in the John Rylands Library" (Bulletin of the John Rylands Library, v, 1920, pp. 497-503).

The purpose of this paper is to edit those fragments especially in the interests of Biblical textual criticism.

It is a well-known fact that it is very difficult to judge the age of Coptic Biblical manuscripts. This difficulty is greatly increased if there are only small fragments of leaves as is the case here. Nevertheless I shall try to give at least an idea, for anyone who wishes to use the texts for textual criticism must know at least approximately the age of the manuscripts.

The language of all these texts is the Sahidic dialect except no. 16, which is Fayyoumic.

(1) I Kings (Samuel), Suppl. 19. Twenty-seven small

papyrus fragments none of them showing a complete word. The label says " I Kings (Sam.) 3 ". As Professor J. Drescher has prepared an edition of the complete text of I and II Kings (Sam.) according to the manuscript in the Pierpont Morgan Collection, it would be wasted labour to publish these poor fragments before Drescher's edition has appeared.

(2) Suppl. 18 consists of twenty-two fragments of a papyrus manuscript. All but five of these fragments are quite small. Crum describes them as the remains of a lectionary. In each of the five leaves the texts of which could be identified the verso shows the continuation of the text of the recto. This fact seems to be an argument against Crum's opinion. Only the small fragment h has on its verso letters which do not fit the expected text ; but what follows is the continuation again of the text of the recto.

I give the texts of the five leaves according to their contents. Where a leaf is composed of several fragments I add a sketch of the position of the fragments seen from the recto. Actually these fragments are not put together. There are six minute scraps which I could not place. They apparently belong to leaves which are lost (sixth century).

Psalm lix. 8-lx. l. 6-lxi (title). Position of the fragments (recto) : b and a are large fragments, the rest small ones.

h
x m
t b
l recto ↓ verso →
n a
o

	ⲧⲏⲁⲥⲟⲟⲩⲧⲛ ⲙⲡⲁⲧⲟⲟ]ⲩⲉ	ⲍ ⲩ[
	ⲉⲁⲛ ⲧⲁⲟⲩ]ⲙⲁⲓⲁ	ⲡⲁ[
	ⲛⲧⲁⲛⲁⲗⲗⲟⲫⲩⲗⲟ]ⲥ ⲫⲩ[ⲡⲟ	ⲫ̄ⲙ̄[
	ⲧⲁⲥⲥⲉ ⲛⲁⲓ]	ⲉ[
9	ⲛⲓⲙ ⲡⲉⲧⲛⲁϫⲓⲧ ⲉⲧⲡ]ⲟⲗ[ⲓⲥ	(lacuna)
	(three lines lacking)	ⲫ]ⲛⲁⲟⲩⲱⲫ ⲫⲏ ⲣⲣ̄ⲙ̄ⲡⲟⲟ[ⲩ *sic*

10 ⲙ]ⲏ ⲛ̄ⲧⲟⲕ ⲁⲛ ⲡⲉ ⲡⲛⲟ[ⲩ
ⲧⲉ] ⲉⲛⲧⲁⲕⲕⲁⲁⲛ ⲛ̄ⲥ[ⲱⲕ
ⲉⲛⲧ̄ⲛⲏⲧ ⲁⲛ ⲉⲃⲟⲗ ⲡ[ⲛⲟⲩ
ⲧⲉ ⲣⲛ̄ ⲛⲉⲛⲙ[ⲛⲛⲩⲉ
11 ⲡⲭⲟ]ⲉⲓⲥ ⲙⲁ ⲛ[ⲁ]ⲛ ⲛⲟⲩⲃ[ⲟ
ⲛⲑ[ⲉⲓⲁ] ⲣⲛ ⲛⲉⲛⲑⲗⲓⲯⲓⲥ
ⲁⲩⲱ ⲡⲟⲩⲭⲁⲓ ⲛ̄ⲡⲣⲱⲙ[ⲉ
ⲩⲟⲩⲉⲓⲧ] ⲥⲟⲩⲥⲟ[ⲙ
12 ⲣⲙ ⲡⲉⲛⲛⲟ]ⲩⲧⲉ ⲧⲉⲛⲛⲁ[ⲣ
ⲁⲩⲱ ⲛⲧⲟ]ⲩ ⲡⲉⲧⲛⲁⲥⲱⲩ[ⲩ
ⲛⲛⲉⲧⲑ]ⲗⲓⲃⲉ ⲛ̄ⲙⲟ[ⲛ
60 ⲉⲡⲭⲱⲕ] ⲉⲃⲟⲗ ⲣⲛ̄ [ⲛⲉ
ⲥⲙⲟⲩ ⲛⲁ]ⲁⲧⲉⲓⲁ
0, 1 ⲡⲛⲟⲩⲧⲉ ⲥⲱⲧ]ⲛ̄ ⲉ[ⲡⲁⲥⲟⲡⲥ

ⲉ] ⲛ̄ⲡⲉⲩⲣⲣⲟ ⲥⲟⲩⲭ[ⲱ]ⲙ
ⲩⲁ] ⲛ̣ⲉⲣⲟⲟⲩ ⲛⲟⲩⲭⲱⲙ ⲩⲁ
7 ⲩⲛⲁ]ⲙⲟⲩⲛ ⲉⲃⲟⲗ ⲩⲁ ⲉⲛⲉ[ⲣ
ⲙⲡⲉ[ⲙ]ⲧⲟ ⲉⲃⲟⲗ ⲛ̄ⲡⲛⲟ[ⲩⲧⲉ
ⲡⲉⲩⲛⲁ᾽ ⲙⲛ̄ ⲧⲉⲩ[ⲙⲉ] ⲛⲓⲙ
ⲡⲉⲧⲛⲁⲩⲓⲛⲉ [ⲛ]ⲥⲱⲟⲩ
8 ⲧ]ⲁⲓ ⲧⲉ ⲑⲉ ⲉ̣ⲧⲛⲁⲯ[ⲁⲗⲗⲉⲓ
ⲉⲡⲉⲕⲣⲁⲛ ⲡⲛ[ⲟⲩⲧⲉ
ⲩⲁ ⲉⲛⲉⲣ ⲛ[ⲉⲛⲉⲣ
ⲉ]ⲧⲣⲁ☥ ⲛ̄ⲛⲁⲉ[ⲣⲛⲧ ⲣⲛ
ⲟⲩⲣ]ⲟ[ⲟ]ⲩ ⲉ[ⲃⲟⲗ ⲣⲛ ⲟⲩⲣⲟⲟⲩ
61 ⲉ]ⲡⲭⲱⲕ [ⲉⲃⲟⲗ ⲣⲁ
ⲓⲁⲓⲑ]ⲟⲩ[ⲛ

(3) Psalm lxx. 16-24; lxxi. 1-11. Suppl. 14 (at the top) and 12 (at the bottom) together form a fragmentary vellum leaf (ninth century).

recto (hair)

margin

ⲡⲛⲟⲩⲧⲉ ☥ⲛⲁ]ⲣ̄ ⲡⲙⲉⲉⲩⲉ ⲛⲧⲉⲕ[ⲇⲓⲕⲁⲓⲟⲥⲩⲛⲏ ⲙⲁⲩⲁⲁⲕ
17 ⲡⲛⲟⲩⲧⲉ ⲁⲕⲧⲥ]ⲁⲃⲟⲓ ⲍⲛ ⲧ[ⲁⲙⲛⲧⲕⲟⲩⲓ
ⲁⲩⲱ ⲩⲁ ⲧⲉⲛⲟ]ⲩ ☥ⲛⲁⲭⲱ ⲛ[ⲛⲉⲕⲩⲡⲏⲣⲉ
18 ⲁⲩⲱ ⲩⲁ ⲧⲁⲙ]ⲛⲧⲣⲗⲗⲟ ⲙ̣ⲛ̄ [ⲧⲁⲙⲛⲧⲛⲟⲥ
ⲡⲛⲟⲩⲧⲉ ⲙ]ⲡ̣ⲣⲕⲁⲁⲧ ⲛ[ⲥⲱⲕ
ⲩⲁⲛ☥ⲭⲱ ⲙ]ⲡⲉⲕⲥⲃⲟⲓ ⲛ̣ⲧ̣ⲉ̣ⲛ̣[ⲛⲉⲁ ⲧⲏⲣⲥ
ⲉⲧⲛⲏⲧ]
19 ⲧⲉⲕⲥⲟⲙ ⲙⲛ ⲧⲉⲕⲁ]ⲓⲕⲁⲓⲟⲥⲩⲛⲏ ⲡ[ⲛⲟⲩⲧⲉ ⲩⲁ ⲛⲉⲧⲭⲟⲥⲉ
ⲙⲙⲁⲛⲧⲛⲟⲥ ⲛⲧⲁⲕⲁ]ⲁⲩ ⲡⲛⲟⲩ[ⲧⲉ ⲛⲓⲙ
ⲡⲉⲧⲛⲁⲩⲓⲛⲉ ⲙⲙ]ⲟ̣ⲩ̣

20 ⲛⲉⲑⲗⲓⲫⲓⲥ ⲛⲧⲁⲕⲧⲥ]ⲁⲃⲟⲓ [ⲉⲣⲟⲟⲩ ⲛⲣⲁⲣ ⲛⲥⲟⲡ
ⲙⲛ ⲙⲡⲉⲑⲟⲟⲩ]
ⲁⲩⲱ] ⲁⲕ[ⲕⲟⲧⲕ ⲁⲕ]ⲧⲁⲛⲣⲟⲓ
ⲁⲕⲛⲧ] ⲉⲣⲣⲁⲓ ⲣⲛ ⲛ[ⲛ]ⲟⲩⲛ [ⲙⲡⲕⲁⲣ
21 ⲁⲕⲧⲁ]ⲯⲉ ⲧⲉⲕⲙⲛⲧ[ⲛⲟⲥ ⲉⲣⲣⲁⲓ ⲉⲭⲱⲓ ⲁⲩⲱ ⲁⲕ
ⲕⲟⲧⲕ] ⲁⲕⲡⲁⲣⲁⲕⲁⲗⲉ[ⲓ ⲙⲙⲟⲓ
22 ⲕⲁⲓ] ⲅⲁⲣ ⲁⲛⲟⲕ ⲡⲭⲟ[ⲉⲓⲥ ⲡ(ⲁ)ⲛⲟⲩⲧⲉ ϯⲛⲁ
ⲟⲩⲱ]ⲛⲣ ⲉⲃⲟⲗ ⲛ̄ⲧⲉⲕⲙ[ⲉ ⲣⲛ ⲛⲓⲗⲁⲟⲥ
ϯⲛⲁⲫⲁⲗⲗⲉⲓ ⲉⲣⲟⲕ ⲣⲛ [ⲟⲩⲕⲓⲑⲁⲣⲁ ⲡⲉⲧⲟⲩⲁⲁⲃ
ⲙ̄ⲡⲓⲛⲏ
23 Ⲥⲉⲛⲁⲧⲉⲗⲏⲗ ⲛ̄ⲥⲓ [ⲛⲁⲥⲡⲟⲧⲟⲩ ⲉⲓⲯⲁⲛⲯⲁⲗⲗⲉⲓ ⲉⲣⲟⲕ
ⲁ]ⲩⲱ ⲧⲁⲫⲩⲭⲏ ⲛ̄[ⲧⲁⲕⲥⲟⲧⲥ ⲉⲃⲟⲗ ⲣⲛ ⲧⲥⲓⲭ ⲛ
ⲛⲁϫⲁϫⲉ [(blank)
24 ⲉ]ⲧⲓ ⲁⲛ *sic* ⲡⲁ[ⲕⲉⲗⲁⲥ ⲛⲁⲙⲉⲗⲉⲧⲁ ⲛⲧⲉⲕⲁⲓⲕⲁⲓⲟ
ⲥⲩⲛⲏ [ⲙⲡⲉⲣⲟⲟⲩ ⲧⲏⲣⲩ

verso

margin

~ ~ ~

ⲉⲥⲟⲗⲟ]ⲙⲱⲛ [

~ ~ ~ ~

71, 1 ⲡⲛⲟⲩⲧⲉ ϯ ⲡ]ⲉⲕⲣⲁⲡ ⲙⲡⲣⲣ[ⲟ
ⲁⲩⲱ ⲧⲉⲕⲁⲓ]ⲕⲁⲓⲟⲥⲩⲛⲏ ⲙ[ⲡⲯⲏⲣⲉ ⲙⲡⲣⲣⲟ
2 ⲉⲕⲣⲓⲛⲉ ⲙⲡⲉ]ⲕⲗⲁⲟⲥ ⲣⲏ̄ ⲟⲩ[ⲥⲟⲟⲩⲧⲛ
ⲁⲩⲱ ⲛⲉⲕⲣⲛ]ⲕⲉ ⲣⲛ ⲟⲩⲣ[ⲁⲡ
3 ⲙⲁⲣⲉⲛⲧⲟⲟⲩ] ϫⲓ ⲛⲟⲩⲉⲓⲣⲏ[ⲛⲏ ⲙⲡⲉⲕⲗⲁⲟⲥ
ⲁⲩⲱ ⲛⲥⲓⲃⲧ] ⲛⲟⲩⲁⲓⲕⲁⲓⲟⲥ[ⲩⲛⲏ
4 ⲥⲛⲁⲕⲣⲓⲛⲉ] ⲛⲛⲣⲛⲕⲉ [ⲙⲡⲗⲁⲟⲥ
ⲛⲥⲧⲟⲩϫⲟ ⲛⲛⲯ]ⲏⲣ[ⲉ ⲛⲛⲉⲃⲓⲛ
ⲛⲥⲫⲃⲃⲓⲟ ⲙⲡⲣⲉ]ⲭⲣⲓ ⲗⲁ
5 ⲛⲥⲙⲟⲩⲛ ⲉⲃⲟⲗ ⲙ]ⲛ ⲡ[ⲣⲏ
ⲁⲩⲱ ⲣⲁ ⲟⲛ ⲙⲡⲟⲟ]ⲣ ⲛⲣ[ⲉ]ⲛϫ[ⲱⲙ ⲛϫⲱⲙ

6 ⲩⲛⲏⲧ ⲉⲡⲉⲥⲏⲧ] ⲛⲑⲉ ⲛ[ⲟⲩ]ⲣⲱⲟⲩ [ⲉⲁⲏ ⲟⲩⲥⲟⲣⲧ
ⲁⲧⲱ ⲛⲑⲉ ⲙⲡⲣⲱⲟⲩ ⲉⲧ]ⲣⲱⲟⲩ ⲉⲁⲙ ⲛ̣[ⲕⲁⲣ
7 ⲛⲧⲉⲧⲁⲓⲕⲁⲓⲟⲥⲩⲛⲏ ☩ ⲟ]ⲩ̣ⲱ ⲣⲏ ⲛⲉⲩⲣⲟ[ⲟⲩ
ⲁⲧⲱ ⲟⲩⲉⲓⲣⲏⲛⲏ ⲉⲥⲟ]ⲩ ⲩⲁⲛⲧⲟⲩⲭⲉⲓ ⲙ̣[ⲡⲟⲟⲣ
8 ⲛⲅⲣ ⲭⲟⲉⲓⲥ ⲭⲓⲛ ⲑⲁⲗ]ⲁⲥⲥⲁ ⲩⲁ ⲫⲁⲗⲁⲥⲥⲁ
ⲁⲧⲱ ⲭⲓⲛ ⲡⲓⲉⲣⲟ ⲩⲁ] ⲁⲣⲏⲭⲥ ⲛⲧⲟⲓⲕⲟⲩⲙⲉⲛⲏ
9 ⲛⲉⲥⲟⲟⲩ ⲛⲁⲡⲁⲣⲧⲟⲩ ⲙ̣]ⲡⲉⲩⲙⲧⲟ ⲉⲃⲟⲗ
ⲁⲧⲱ ⲛⲉⲩⲭⲓⲭⲉⲩ(ⲉ) ⲛⲁⲗⲱ]ⲭⲣ̅ ⲧ̅ⲡⲕⲁⲣ
10 ⲛⲉⲣⲣⲱⲟⲩ ⲛⲑⲁⲣⲥⲓⲥ ⲙⲛ (ⲛ)]ⲛⲏⲥⲟⲥ ⲛⲁⲏ̅ ⲁⲱ[ⲣⲟⲛ ⲛⲁⲩ
ⲛⲛⲁⲣⲁ]ⲃⲟⲥ ⲙⲛ ⲥⲁ(*sic*)
ⲛⲉⲣⲣⲱⲟⲩ ⲛⲁⲏ̅ ⲁⲱⲣⲟⲛ ⲛ]ⲁⲩ ⲥ̀ⲡⲕⲁ[ⲣ
11 ⲛⲥⲉⲟⲩⲱⲱⲧ ⲛⲁⲩ ⲛⲥⲓ ⲛⲉⲣⲣ]ⲱⲟⲩ ⲧⲏⲣⲟⲩ ⲙ̅

v. 10 :]ⲃⲟⲥ ⲙⲛ ⲥⲁ was written in minute letters between the lines after ⲥ̀ⲡⲕⲁⲣ had been written; therefore there was not room enough to write ⲥⲁⲃⲁ in full. The words are to be inserted after ⲛⲉⲣⲣⲱⲟⲩ of the following line.

(4) Ecclesiastes i. 7-16. Suppl. 2. Fragmentary vellum leaf (fifth or sixth century). The verso is marked the last page of the 3rd quire; as this is page 25 or 26, the first quire probably had five double leaves, the others only four. If the verso of our leaf is page 25, the pagination began with the verso of the first leaf its recto bearing the title of the book.

For the text cf. A. Ciasca, *Sacrorum bibliorum fragmenta coptosahidica Musei Borgiani*, vol. 2 (Rome 1889), pp. 195-196.

margin

ⲥ̀ⲉⲡⲉⲧⲙⲁ

ⲧ̅ⲙⲟⲩ ⲛ̅ⲥⲱ[ⲣⲙ] ⲉⲩⲁⲧⲙⲟⲟⲩⲉ ⲉⲣⲣⲁⲓ̈

ⲉⲩⲁⲧⲙⲟⲟⲩⲉ ⲛ̅ⲧⲟⲟⲩ ⲉⲧⲣⲉⲧ

ⲃⲱⲕ ⲉⲡⲙⲁ ⲉⲧⲙ̅ⲙⲁⲧ

8 ⲛ̄ϣⲁϫⲉ ⲧⲏⲣⲟⲩ ⲥⲉⲣⲟⲥⲉ
[ⲛⲛⲉϣⲡⲣ]ⲱⲙⲉ ϣⲁϫⲉ ⲛ̄ⲣⲏⲧⲟⲩ
ⲁ[ⲩ]ⲱ ⲛⲛⲉϣⲡⲃⲁⲗ ⲥⲓ̈ ⲣⲁ ⲡⲛⲁⲩ
ⲁ]ⲩⲱ ⲛ̄ⲛⲉϣⲡⲙⲁⲁϫⲉ [· ·]ⲟⲩⲣ
ⲣⲁ ⲡⲥⲱⲧⲙ ⳾[ⲛⲁϣ]ⲱⲡⲉ
9 ⲟⲩ ⲡⲉⲛⲧⲁϥϣⲱⲡⲉ ⲉⲛⲧⲟ[ϥ] ⲡⲉ[ⲧ
ⲁⲩⲱ ⲟⲩ ⲡⲉⲛⲧⲁⲩⲧⲁⲙⲓⲟϥ
ⲉⲛⲧⲟϥ ⲟⲛ ⲡⲉⲧⲟⲩⲛⲁⲧⲁ[ⲙⲓⲟ]ϥ
ⲁⲩⲱ ⲙⲙⲏ ⲗⲁⲁⲩ ⲛ̄ⲣⲱⲃ ⲃⲃ̄ⲣⲣⲉ (*sic*)
ⲣⲁⲣⲟϥ ⲙ̄ⲡⲣⲏ
10 ⲉⲣⲉⲡⲣⲱⲙⲉ ⲛⲁϣⲁϫⲉ ⲉⲣⲟⲟ[ⲩ]
ⲛ̄ϥϫⲟⲟⲥ ⲍⲉ ⲉⲓⲥ ⲡⲁⲓ̈ ⲟⲩⲃ̄ⲣ̄[ⲣ]ⲉ ⲡⲉ
ⲛ̄ⲇⲁⲛ ⲁⲩⲟⲩⲱ̂ ⲉⲩϣⲱⲡⲉ ⲣⲛ̄ ⲛ[ⲁⲓ]ⲱⲛ̣
ⲉⲛⲧⲁⲩϣⲱⲡⲉ ⁎ⲧ[·]⁎⁎[
11 ⳾ⲙ̄ⲙⲏ ⲣ̄ ⲡⲙⲉⲩⲉ ϣⲟ[ⲟⲡ ⲛⲛϣⲟⲣⲡ
ⲁⲩⲱ ⲛ̄ⲕⲉⲣⲁⲉ[ⲉⲟ]ⲩ [ⲉ]ⲛ̣ⲧ[ⲁⲩϣⲱⲡⲉ
ⲣⲁ ⲧⲉⲛⲣⲏ ⳾[ⲡⲉ ⲉⲑⲁ]ⲏ
ⲙⲙⲏ ⲣ̄ ⲡⲙⲉⲩⲉ ϣⲟ̣[ⲟⲡ ⲁⲩⲱ ⲛⲉ]ⲧⲛⲁ̣[ϣⲱ
12 ⲁ]ⲛⲟⲕ ⲡⲉⲕⲕ̣[ⲗⲁⲛⲉ]ⲁⲥⲧⲏⲥ ⲁⲓ̈[ⲣ ⲣⲣ]ⲟ̣
ⲉⲭ̄ⲥ̄ [ⲡⲓⲏ]ⲗ ⲣⲏ [ⲑⲓⲗⲏ]ⲙ
13 ⲁⲩⲱ ⲁⲓ† ⲙ]ⲡⲁⲣⲏⲧ ⲉϣⲓⲛⲉ ⲁ̣[ⲩ]ⲱ

margin

Right hand at the top of the leaf traces of the pagination.

v. 7 : ⲛⲥⲱⲣⲙ : Ciasca + ⲧⲏⲣⲟⲩ· — ⲉϣⲁⲩ (first) : Ciasca ϣⲁⲩ· — ⲉⲡⲉⲧⲙⲁ : Ciasca ⲉⲛⲉⲧⲙⲁ.

v. 8 : ⲥⲉⲣⲟⲥⲉ : Ciasca ⲥⲉϣⲁⲁⲧ. — [· ·]ⲟⲩⲣ perhaps ⲥⲱⲟⲩⲣ : Ciasca ⲥⲉⲓ.

v. 9 : ⲉⲛⲧⲟϥ (first) : Ciasca ⲛⲧⲟϥ ⲟⲛ. — ⲁⲩⲱ (first) : Ciasca without ⲁⲩⲱ. — ⲣⲁⲣⲟϥ : Ciasca ⲣⲁⲣⲱϥ.

v. 10 end : does not seem to be = Ciasca ϩⲁ ⲧⲛϩⲓⲙ.

v. 11 : ⲧⲉⲛϩⲙ : Ciasca ⲧⲉⲛϩⲓⲙ.

verso

margin

ⲧ̅ ⲕ̅ⲉ̣

ⲉ† ⲟⲩⲟⲉⲓ ϩⲛ̅ ⲧ̣[ⲥⲟ]ⲫ̣[ⲓⲁ

ⲉⲧⲃⲉ ⲛ̣ⲉⲛⲧⲁⲩⲱⲡⲉ ⲧⲏⲣⲟⲩ

ϩⲁⲣⲟⲥ ⲛ̅ⲧⲡⲉ

ⲭⲉ ⲟⲩⲡⲉⲣ[ⲓⲥⲡ]ⲁⲥ[ⲙ]ⲟ̣ⲩ̣ ⲙ̅ⲡⲟⲛⲏⲣⲟ

ⲁ̣ⲡⲛ̣ⲟ̣ⲩⲧⲉ ⲧⲁⲁϥ [ⲛⲛⲱⲛⲣⲉ ⲛⲛⲣⲱⲙⲉ

ⲉⲧⲣⲉⲩⲭⲓ ϩⲣⲁⲩ ⲛϩⲏⲧϥ ϩⲛ ⲟⲩⲛ̣[ⲁⲟⲛ]ⲛ

14 ⲁⲓⲛⲁⲩ [ⲉⲛⲧ]ⲁ̣ⲙⲓⲟ ⲧ̣ⲏⲣⲟⲩ ⲉⲛⲧⲁⲩ

ⲧⲁⲙ]ⲓⲟⲟⲩ ϩⲁ̣ⲣⲟϥ ⲙ̣ⲡⲣⲛ̣

[ ] ⲡⲉⲧ

ⲱ̣]ⲟⲩⲉ[ⲓⲧ ⲡⲉⲧⲛϩⲏⲧⲟⲩ]

ⲙ̅ⲛ̅ ⲟⲩ[ⲟⲩⲱⲱ ⲙⲡⲛ̅ⲁ̅]

15 ⲡⲉⲧⲥ]ⲟⲟ[ⲙⲉ] ⲛ[ⲥⲉⲛⲁⲱ ⲕⲟⲥⲙⲉⲓ] ⲁ̣ⲛ ⲙ̅[ⲙⲟϥ

ⲁ̣ⲩ̣[ⲱ] ⲡⲉⲧⲱⲁⲁ̣[ⲧ ⲛⲥⲉⲛⲁⲱ ⲛ]ⲧ̣ⲏ̅ⲩ̅ ⲁⲛ ⲉⲛⲡⲉ

16 [ⲁⲛⲟⲕ ⲁⲓⲱⲁϫⲉ ϩⲙ ⲡⲁϩⲛⲧ]

ϩⲙ ⲡⲧⲣⲁϫⲟⲟⲥ ⲭⲉ ⲉⲓⲥ] ϩ̣ⲛⲛⲧⲉ

no more legible on this side.

Pagination : perhaps ⲕ̅ϛ̅.

v. 13 : ⲙⲡⲟⲛⲏⲣⲟ : perhaps ⲙⲡⲟⲛⲏⲣⲟ̄.

v. 14 : ⲉⲛⲧⲁⲩⲧⲁⲙⲓⲟⲟⲩ : Ciasca + ⲧⲏⲣⲟⲩ.

v. 15 : ⲉⲛⲡⲉ : Ciasca ⲉⲧⲉⲛⲡⲉ (*sic*).

(5) Sirach (Ecclesiasticus) i. 5-13, 16-20. Suppl. 6. Fragmentary vellum leaf (fifth century). Pagination on the inner side. For the text cf. P. de Lagarde, *Aegyptiaca*, pp. 107-108 and H. Thompson, *The Coptic (Sahidic) version of certain books of the Old Testament*, p. 128.

recto

margin

ⲓ̅

5 ⲧⲡⲛⲥⲏ ⲛⲧⲥⲟⲫⲓ]ⲁ ⲡⲉ ⲡⲱⲁϫⲉ ⲙ̅ⲡⲛⲟⲩⲧⲉ
ⲣⲏ ⲛⲉⲧϫⲟⲥⲉ]
ⲁⲩⲱ ⲛⲉⲥⲣⲓⲟⲟⲩⲉ ⲛⲉ] ⲛⲉⲛⲧⲟⲗⲏ ⲛ̅ⲱⲁ ⲉⲛⲉⲣ
6 ⲧⲛⲟⲩⲛⲉ ⲛⲧⲥⲟⲫⲓⲁ ⲉ]ⲛⲧⲁⲥⲥⲱⲗⲛ̅ ⲉⲛⲓⲙ
ⲁⲩⲱ ⲛⲓⲙ ⲡⲉⲛⲧⲁⲩⲉⲓ]ⲙⲉ ⲉⲛⲉⲥⲕⲟⲧⲉ
7 ⲧⲙⲛⲧⲣⲙⲛⲣⲏⲧ] ⲛ̅ⲧⲥⲟⲫⲓⲁ ⲛⲧⲁⲥⲥⲱ[ⲗ]ⲛ [ⲉⲛⲓⲙ ?
ⲁⲩⲱ ⲛⲓⲙ ⲡⲉⲛⲧ]ⲁⲩⲉⲓⲙⲉ ⲉⲛⲉⲥⲣⲓⲙ*ⲟ*
8 ⲟⲩⲁ ⲡⲉ ⲡⲥⲟⲫⲟ]ⲥ ⲉⲩⲧ ⲣⲟⲧⲉ ⲉⲙⲁⲧⲉ
ⲉⲩⲣⲙⲟⲟⲥ ⲣⲓⲭ]ⲙ ⲡⲉⲩⲑⲣⲟⲛⲟⲥ ⲛ̣[ϫⲟⲉⲓⲥ
9 ⲡϫⲟⲉⲓⲥ ⲛⲧⲟⲩ] ⲡⲉⲛⲧⲁⲩⲥⲟⲛⲧⲉ [
ⲁⲩⲱ ⲁⲩⲛⲁⲩ ⲉⲣⲟ]ⲥ ⲁⲩⲟⲛ̅ⲥ
ⲁⲩⲡⲁⲣⲧⲥ ⲉⲣⲣⲁ]ⲓ ⲉⲭⲛ̅ ⲛⲉⲩⲣⲃⲏ[ⲧ]ⲉ ⲧⲏⲣⲟⲩ
10 ⲥⲱⲟⲟⲡ ⲙⲛ ⲥ]ⲁⲣⲁϩ *sic* [ⲛⲓ]ⲙ ⲕⲁⲧⲁ ⲑⲉ [ⲉⲧⲩ]ⲧ ⲙ[ⲙⲟⲥ ?
ⲁⲩⲱ ⲁⲩⲧⲁⲁⲥ ⲛ]ⲛⲉⲧⲙⲉ ⲙ̅ⲙⲟⲩ [ⲥⲱⲟⲩ] ⲧⲉ
11 ⲑⲟⲧⲉ ⲙ̅ⲡϫⲟⲉⲓ]ⲥ ⲟⲩⲉⲟ[ⲟ]ⲩ ⲙⲛ̅ ⲟⲩⲱⲟⲩ
ⲁⲩⲱ ⲟⲩⲟⲩⲛⲟⲩ ⲧ]ⲉ· ⲙⲛ̅ ⲟⲩⲕⲗⲟⲙ ⲛ̅ⲧⲉⲗⲏⲗ
12 ⲱⲁⲣⲉⲑⲟⲧⲉ ⲙ]ⲡϫⲟⲉⲓⲥ ☩ ⲟⲩ[ⲟ]ⲩⲣⲟⲧ ⲙ̅[ⲡⲣⲏⲧ
ⲱⲁⲥ☩ ⲛ̅ⲟⲩⲟ]ⲩⲛⲟⲩ ⲙⲛ̅ ⲟⲩⲣⲁ[ⲱⲉ ⲙ]ⲛ̅ ⲟⲩ
ⲁⲱⲏ ⲛⲣⲟⲟⲩ] ⲥⲛⲁⲱⲱⲡ[ⲉ] ⲙ̅[ⲙⲟⲩ . . . . .
13 ⲡⲉⲧⲣ ⲣⲟⲧⲉ ⲣⲏ]ⲧⲏ ⲙ̅ⲡϫⲟ[ⲉⲓⲥ ⲡⲡⲉⲧⲛⲁⲛⲟⲩⲩ
]ⲛ̣ⲕⲟⲧⲩ[
]ⲁ̣ⲣⲣⲩ[

v. 5 : ⲛⲉ ⲛⲉⲛⲧⲟⲗⲏ = Thompson ; Lagarde ⲣⲛⲉⲛⲧⲟⲗⲏ ⲛⲉ.

v. 7 : 1st word : Lagarde ⲧⲉⲡⲓⲥⲧⲏⲙⲓ, Thompson ⲧⲙⲛⲧⲣⲙⲛⲣⲏⲧ ; considering the space I assume that our MS. had the latter. The end of this line is quite faded out. I think there was nothing after ⲥⲱⲗⲛ, but ⲉⲛⲓⲙ may have been

written above. ⲛⲧⲁⲥⲥⲱⲗⲡ: Lagarde ⲛⲧⲁⲥⲟⲩⲱⲛϩ ⲉⲛⲓⲙ. 2nd line: Lagarde and Thompson, ⲁⲩⲱ ⲡⲉⲥⲥⲟⲟⲩⲛ ⲧⲏⲣϥ ⲛⲓⲙ ⲡⲉⲛⲧⲁϥⲥⲟⲩⲱⲛϥ.

v. 8: ⲣⲓⲍⲙ = Thompson; Lagarde ⲣⲓ. —end: Thompson and Lagarde without ⲡ[ⲍⲟⲉⲓⲥ.

v. 9: 2nd line lacking in Thompson's text.

v. 10: Lagarde and Thompson ⲟⲩⲉⲟⲟⲩ ⲧⲉ ⲙⲛ ⲟⲩⲯⲟⲩⲯⲟⲩ.

v. 13, ⲛⲁⲯⲱⲡⲉ ⲙⲙⲟϥ: Lagarde + ⲣⲛ ⲧⲉϥⲣⲁⲛ; here place for it?

verso

margin

ⲁ

ⲁⲩⲱ ⲟⲩⲟⲩⲛⲟϥ ⲉⲃⲟ[ⲗ

17 ⲯⲁⲥⲙⲉϩ ⲡⲉⲥⲛⲉⲓ [

ⲁⲩⲱ ⲛⲉⲥ ⁎[· ·]ⲃ̣ⲉ̣ [

18 ⲡⲉⲕⲗⲟⲙ ⲛⲧⲥⲟ[ⲫⲓⲁ

ⲉⲥ† ⲟ̣ⲩⲱ ⲛⲟⲩⲉⲓ[ⲣⲏⲛⲏ

ⲧⲁⲗⲥⲟ [

ⲁϥⲛⲁⲩ ⲉⲣⲟⲥ ⁎⁎⁎ⲛ[

19 ⲁϥⲃⲉⲉⲃⲉ ⲛⲟ (traces) [

ⲁϥⲭ]ⲓⲥⲉ ⲛ̣ⲟⲩⲥ̣ⲟⲟⲩⲛ [

20 ⲧⲛ]ⲟⲩⲛⲉ̣ [ⲛⲧ]ⲥⲟⲫⲓⲁ [

ⲁⲩ]ⲱ [· ·] ⁎⁎⁎ ⲉ̣ⲛ̣ⲁⲯⲉ [

ⲙⲛ̄ ⲥⲟⲙ ⲧ̄ (traces) ⲱ [(or ⲯ)

— — — — — — —

(traces) ϥⲥⲱⲗⲡ [

ⲛ̣ⲣⲁⲣⲯ ⁎[· ·]ⲯⲁϥⲁⲛ[

ⲁⲩⲱ ⲙ̣ⲛ̣ [· ·]ⲟ̣ ⁎⁎⁎ [

ⲙ̣ⲓⲟ ⁎[·]ⲟ̣ϥ (traces) [

]⁎⁎⁎ ⲛ̄ⲛⲱⲱ ⁎[

]ⲛ̣ⲟ̣ⲣ (traces) [

v. 16: ⲟⲧⲟⲩⲛⲟⲩ Lagarde + ⲡⲉ

(6) Sirach (Ecclesiasticus) xviii. 18-20, 29-31; xxiii. 19-20, 28-30. Suppl. 7. Bottom of a vellum double leaf (fourth or fifth century). For the text cf. Lagarde, pp. 138 ff. and Thompson, pp. 154 f.

1st leaf recto. Ends of lines faded.

ϣⲱⲛⲉ:

19 ⲥⲃ̄ⲧⲱⲧⲕ̄ ϩⲁ ⲟⲛ ⲛ̄ⲧⲉⲕⲣⲓⲥⲓⲥ: ⳾ⲥⲙ̄ ⲡϣⲓⲛⲉ
ⲁⲩⲱ ⲕⲛⲁϩⲉ ⲉⲩⲕⲱ ⲉⲃⲟⲗ ⲛ̄ⲧⲉⲩⲛⲟⲩ ⲙ[ⲡ
20 ⲧϩⲃ̄ⲃⲓⲟⲕ ⲉⲙⲡⲁⲧⲕϣⲱⲛⲉ: ⳾ⲛ̄ⲛⲉⲕⲛ[ⲟⲃⲉ
ⲛ̄ⲧⲟⲩⲱⲛ̄ϩ̄ ⲉⲃⲟⲗ ⲙ̄ⲡⲉⲕⲧⲟ ⲙ̄ⲡⲉⲩ[ⲟⲉⲓϣ
margin

v. 20: Lagarde ⲙⲡⲉⲕⲕⲧⲟ ϩⲙ ⲡⲉ[

1st leaf verso.

29 ⲙⲡⲣ]ⲟⲩ[ⲁϩ]ⲕ ⲛⲥⲁ ⲡⲉⲕⲟⲩⲱϣ:
ⲁⲩⲱ ⲁⲙⲁϩⲧⲉ ⲙ̄ⲙⲟⲕ ⲉⲛⲉⲧⲕ̄ⲟⲩⲁϣⲟⲩ:
30 ⲉⲕϣⲁⲛϯ ⲅⲁⲣ ⲛ̄ⲧⲉⲩⲯⲩⲭⲏ ⲙ̄ⲡⲟⲩⲱϣ ⲉⲧⲉⲣⲛⲁⲥ.
ⲥⲛⲁⲧⲣⲉⲛⲉⲕⲭⲁⲭⲉ ⲣⲁϣⲉ ⲙ̄ⲙⲟⲕ
31 ⲙ̄ⲡⲣⲉⲧⲫⲣⲁⲛⲉ ⲉⲭⲛ̄ ϩⲁϩ ⲛ̄ⲧⲣⲧⲫⲏ
margin

v. 30: ⲥⲛⲁⲧⲣⲉ–: Lagarde ϣⲁⲥⲧⲣⲉ–.

2nd leaf recto
margin

19 ϩⲱⲃ ⲥⲛⲁⲩ ⲛⲉϣⲁⲩ[ⲧⲁϣⲉ ⲛⲟⲃⲉ
ⲁⲩⲱ ⲡⲙⲉϩϣⲟⲙ̄ⲧ ϣⲁⲫⲉⲓ ⲛ̄ⲟⲩⲟⲣⲑⲏ: ⳾ⲙⲟⲩϩ
20 ⲟⲩⲯⲩⲭⲏ ⲛ̄ϩⲛⲧ ϣⲛⲙ ⲛ̄ⲑⲉ ⲛⲟⲩⲕⲱϩ̄ⲧ ⲉⲫ
ⲉⲙⲉⲥⲱϣⲙ̄ ⲉⲙⲡⲟⲩⲟϣⲙⲉⲥ: ⳾ⲛ̄ⲧⲉϥⲥⲁⲣⲍ
ⲁⲩⲱ ⲟⲩⲣⲱⲙⲉ ⲙ̄ⲡⲟⲣⲛⲟⲥ ϩⲙ̄ ⲡⲥⲱⲙⲁ
margin

v. 19 : ϣaqei *sic* : Lagarde ϣaqeine

v. 20 : ϣнм not 'small' but 'hot' θερμή (ϱмом)—емесωϣм емпотоϣмес lacking in Lagarde's text.

2nd leaf verso

пмеϱϣомт нтаср] ṅоеiк ϱ̄н отпорнеiа
атω ас̀хпе ϣнре мн̄ кеϱаї
29 етеn̄ таei ебоλ n̄тмнте n̄отмннϣе
атω етесм̄ пϣine ннесϣнре
30 n̄ненесϣнре ⳝе нотне ебоλ

margin

v. 28 : last line lacking in Lagarde's text ; the end in Thompson's edition to be read к[еϱаι.

v. 29 : нтмнте : Lagarde and Thompson етмнте.

(7) Lamentations ii. 21-iii. 1, 5-8, 13-17, 19-23. Suppl. 3. Fragmentary vellum leaf (fifth or sixth century). For the text cf. G. Maspero, *Fragments de la version thébaine de l'Ancient Testament. Mémoires publiés par les membres de la Mission archéologique française au Caire*, vol. 6 (1897), pp. 246-248.

recto (flesh) 1st column		recto 2nd column
ммооϣ]е н[сι		
· · · ·]нϣнре [?		
кοτι] м̀н̄ οτϱλ̄		аϥ[
λο. нап]арθенос		(two lines lacking)
мн наϱ]рϣire ат	5	аϥкω[те ероι
ϐω]ḳ ϱ̄н отаiχ̀ма		атω оṅ [аϥωрϐ
λω]сiа· акϱоṭϐот		n̄таaṅ[е ероτн
ϱн] отснϥе мпе	6	аϥθм̄с̣[οι
ϱοοτ мпексωнт̄		ϱ̄н ϱн[ма нкаке
акσехσωхот· от		аϥθм̄с[οι ерраι нθе

22 ϩϣн ϯco: ϑāϯ
акмоϯϯе ϩϯϩооϯ
n̄ϣa мпкѡϯе м
паϻa нсѡϩ[ι]ле аϯѡ
мπελ]ϩaaϯ [оϯϫ]ϩaï
еαϥϣѡ]ϫπ̣ [ϩм] πе
ϩооϯ мп]ϭωнϯ м̄
пϫоеιс] ϩn̄ нен
ϯак]амаϩϯе м̄мо
оϯ акϯаϣо n̄на
1 ϫ[а]ϫ[е тнроϯ] аλ̄еф.
ан[ϯ прωм]ϩ̣ анок
етнаϯ етм]n̄ϯϩн
ке аϥει е]ϩ̣ρaï

n̄ϩρn̄ϰ[ωωс ϣа
7 ене[ϩ аϥкѡϯе е
роï [(аϯѡ) нϯнаβωк
еβ[оλ ан аϥϯаϣо мпа
ϩо̣[мнϯ
8 [ϯιm̄λ ϯнаϫι ϣ
ка[к ϭе
еβ[оλ ероϥ ϯаѡϣ
е[βоλ

v. 21 : ϩе]н at the beginning of the second line does not fill the space. Maspero : аϯнкоϯк ϩι τεριн ммооϣе нϭι оϯϣнре коϯι.—мπеϩооϯ : Maspero ϩм πеϩооϯ.—оϯеϣн ϯco : Maspero аϯѡ мπекϯco.

v. 22 : ϩн нентакамаϩϯе ммооϯ : Maspero нθе n̄такамаϩϯе аϯѡ.

v. 3, 5 : Maspero without он.

v. 6 : first line : аϥθмс[οι ϩραι ? Maspero аϥθмкοι.

v. 8 : second line seems very short.

verso 1st column

13 аϥτρεϯϫ]ѡτе
]οϯн
]ε̣ε̣ϩn̄
(н)ϭι нсο]τе m̄πεϥ
ϩнааϯ] нкᾳ̣ сοτе

verso 2nd column

мн] пᾳ̣[аιωτмос
20 οϯсιϣε̣ [мн οϯχο
λн εϯρ̄ п[амεεϯε
аϯѡ ερε[таψϯχ'н
ϫι ϩρас n̄[ммаι

14 (ογαϩ ?)] αιψω
πε ηεω]βε ϫπαλ
αος τηρϥ] μν ογ
ψαλμος] ϫπερο
15 ογ τηρϥ αϥ]τεοϊ
ηειψε αϩω α]ϥτρα
ϯρε ρη ογχο]λη
16 αϥθιο ηηανα]ϫε
ρη ογαλ ηω]ηε
αϥτμμοι ηοτκ]ρμες
17 αϩω αϥηοϩϫ]ᾳ ϩ
ταψϯχη εβολ] ϩ
21 παϊ ϯηακ[ααϥ ρμ
παρητ ετβ̣[ε
παϊ ϯηαρϩπ[ομε
22 ηε ᾳηηα ϫπϫ[ο]ις
ϫε μπϥ̄καατ· ν
εωϥ. ογϩε ϫπο[ϩ
ωϫϩ̄ ηϭι ηεϥμϩ̄ϯ
ψανρτηϥ· ρϩ̄ ηε
βα̣τε· μϩ̄ ηεροοϩ
τ[ηροϩ ϩ̄θ̄ (?)
ν[α να]ν π̣[χοεις ϫ
ε[·]ηατ[
ϫποϩω̣[ϫν ηϭι
ηεϥμϩ̄τψα[ν
23 ρτηϥ ρϩ̄ β̣ρ̄ρε
ηετ[ναψω]π̣ε
ρϩ̄ τε[···(·)]τ̣ε
ϩ̄ϭι̣ᾳ*[

v. 13: Maspero: αϥτρεϩχωτε ε[ρο]ϩν ενασλοοτε ηϭι ηεοτε, etc.

v. 14: μν ογψαλμος: Maspero ηειο ναϩ μψαλμος.

v. 15: τεοι: Maspero τειοι.

v. 16: ναχε: Maspero οβρε.

v. 20: ετρ: Maspero cεναρ.

v. 21: παρητ: Maspero + ανοκ.

v. 23: ρν τε[etc.: Maspero ετ[····]ειτε· τεκπιστ[ις] εναψωc; (καινὰ) εἰς τὰς πρωίας, πολλὴ ἡ πίστις σου. Maspero's]ειτε seems to suggest τε[ρογει]τε for our text, "in the beginning" translating εἰς τὰς πρωίας ?

(8) Ezekiel xxix. 8-10, 20-xxx. 1. Suppl. 9. Vellum leaf (fifth or sixth century). The fragments belonging to the same leaf are to be put in this position: $\frac{d+b}{a}$. The fragment c is quite small; only]ⲱⲧ is discernible at the end of a line. Apart from orthographical variants this text is exactly the same as in A. Ciasca, *Sacrorum bibliorum fragmenta copto-sahidica Musei Borgiani*, vol. 2, pp. 291 f.

	recto		verso
8	ⲉⲧⲃⲉ]		ⲉⲭ]ⲛ̇
	ⲡⲁ[ⲓ ⲛⲁⲓ ⲛⲉⲧⲭⲱ		ⲧⲣⲟⲥ [ⲁⲓ]ϯ ⲛⲁⲩ ⲙ
	ⲙⲙⲟⲟⲩ ⲛ̇ⲥⲓ ⲡⲭⲟⲓⲥ		ⲡⲕⲁϩ ⲛ̄ⲕⲏⲙⲉ̇ ⲛ̣ⲁ
	ⲡⲭⲟⲉⲓⲥ̇ ⲭⲉ ⲉⲓⲥ ϩⲏ		ⲓ̈ ⲛⲉⲧ[ⲩ]ⲭ̣ⲱ ⲙ̄ⲙⲟⲟⲩ
	ⲏⲧⲉ ⲁⲛⲟ[ⲕ] ϯⲛⲁⲉⲓ		ⲛ̄ⲥⲓ ⲛ̣[ⲭⲟ]ⲓ̣ⲥ ⲡⲭⲟⲓⲥ
	ⲛⲉ ⲉⲭⲱⲕ [ⲛ]ⲟ̣ⲩⲥⲏ	21	ⲭⲉ ϩ[ⲙ ⲡ]ⲉϩⲟⲟⲩ ⲉⲧⲙ̄
	ϥⲉ ⲁⲩⲱ ϯ[ⲛⲁ]ⲧⲁⲕⲟ		ⲙ[ⲁⲩ ⲟⲩⲛ ⲟ]ⲛ̣ⲧ̣[ⲁ]ⲛ̣̀
	ⲛ]ϩ[ⲉⲛⲣⲱⲙⲉ ⲉ]ⲃⲟⲗ		ⲛⲁ[ϯ ⲟⲩⲱ ⲙⲡⲛⲓ ⲧ]ⲛ̣
	ⲙⲙⲟⲕ] ⲙⲛ ϩ[ⲉ]ⲛⲧⲃ̄		ⲣ̄ϥ̄ ⲭ̣[ⲡⲓⲛⲏ̀ ⲁⲩⲱ
9	ⲛⲟⲟⲩⲉ: ⲁⲩⲱ ⲕⲏⲙⲉ		ⲛⲧⲟⲕ] ϯⲛⲁϯ ⲛⲁⲕ
	ⲛⲁⲱⲱⲡⲉ [ⲉⲩ]ⲧ[ⲁⲕⲟ		ⲛⲟⲩⲧⲁⲡⲣⲟ ⲉ]ⲥⲟⲩ
	ⲛ̄ϥ̄ⲣ̄ ⲭⲁⲓⲉ [ⲛⲥⲉⲉⲓ		ⲏⲛ] ϩⲛ ⲧⲉⲩⲙⲏⲧⲉ
	ⲙⲉ ⲭⲉ ⲁⲛⲟⲕ ⲡ[ⲉ ⲡⲭⲟ		ⲛⲥⲉⲉⲓⲙⲉ] ⲭⲉ ⲁⲛⲟⲕ
	ⲉⲓⲥ ⲉⲧⲃⲉ ⲭⲉ ⲁ[ⲕⲭⲟ		ⲡⲉ] ⲡⲭⲟⲉⲓⲥ:
	ⲟⲥ ⲭⲉ ⲛⲉⲓⲉⲣⲱ[ⲟⲩ	1	ⲁ]ⲩⲱ ⲡⲱⲁⲭⲉ ⲙ̄ⲡⲭⲟ
	ⲛⲟⲩⲓ̈ ⲛⲉ̇ ⲁⲩⲱ ⲁⲛ[ⲟⲕ		ⲉⲓⲥ] ⲁⲫⲱⲡⲉ ⲱⲁ
10	ⲁⲓ̈ⲧⲁⲙⲓⲟⲟⲩ̇ ⲉⲧⲃ[ⲉ		ⲣⲟⲓ ⲉ]ⲭⲱ ⲙ̄ⲙ[ⲟⲥ
	ⲡⲁⲓ̈] ⲉⲓⲥ ϩⲏⲛⲧ[ⲉ ⲁⲛⲟⲕ		
	ϯⲛⲁⲉⲓⲛ]ⲉ ⲉϩ[ⲣ]ⲁ̣[ⲓ		

(9) Daniel xii. 7-9. Suppl. 4. Fragment of a vellum leaf, very small script (fifth century). Crum, *l.c.*: "A very small leaf on which Daniel xi. 38 and xii. 9 are discernible, though it is hard to see how all the intervening passage could be

accommodated on so minute a page". The few letters I can read—most of them are very uncertain—on the flesh side where Crum could see Daniel xi. 38, do not seem to meet the text of this passage as it is published in *Aegyptische Urkunden aus den koeniglichen Museen zu Berlin, Koptische Urkunden*, no. 166 (p. 134). So, perhaps, it is not this passage at all but one nearer to the text of the hair side. This (xii. 7-9) is still unknown in Sahidic. The Bohairic text is published in H. Tattam, *Prophetae maiores in dialecto linguae aegyptiacae memphitica*, vol. 2, pp. 352-354, and [R. Tuki, *Rituale*] = ⲡⲓϫⲱⲙ ⲛⲧⲉ ⲧⲙⲉⲧⲣⲉϥϣⲉⲙϣⲓ ⲛⲛⲓⲙⲩⲥⲧⲏⲣⲓⲟⲛ ⲉⲑ̅ⲧ̅ etc., p. 330.

.]ⲉⲛⲟ ⁎ ⲁ[ⲥⲉⲛⲁ

ⲉⲓ]ⲙⲉ ⲉⲛⲁ[ⲓ ⲧⲏⲣⲟⲩ

8 ⲁⲛⲟⲕ ⲇⲉ ⲁⲓⲥⲱ[ⲧⲙ ⲁⲩ

ⲱ ⲙⲡⲓⲛⲟⲉⲓ [ⲡⲉϫⲁⲓ

ϫⲉ ⲡϫⲟⲉⲓⲥ ϫⲉ ⲟⲩ ⲧ[ⲉ

9 ⲫⲁⲛ ⲛ̅ⲛⲁⲓ̈ ⲡⲉϫⲁϥ

ϫⲉ ⲁⲙⲟⲩ ⲁⲁⲛⲓⲛⲗ ⲥⲉ

ϣⲟⲧⲙ ⲁⲩⲱ ⲥⲧⲟⲟⲃⲉ

margin

(10) Matthew xxvii. 63-64; xxviii. 2-5. Suppl. 18c; cf. 2.

recto →

ⲡⲉⲓⲡⲗ]ⲁⲛⲟ[ⲥ ⲁϥϫⲟⲟⲥ ϫⲓⲛ

ⲉϥⲟⲛ]ϩ ϫⲉ ⲧ[ⲛⲁⲧⲱⲟⲧⲛ

ⲙⲛⲛ]ⲥⲁ ϣⲟⲙ[ⲛⲧ ⲛϩⲟⲟⲩ

64 ⲟ]ⲩⲉϩⲥⲁϩⲛⲉ [ⲥⲉ ⲉⲧⲣⲉⲩ

ⲱ]ⲣϫ ⲙⲡⲧⲁⲫⲏ[ⲥ ϣⲁ ⲡ

ⲙⲉϩ]ϣⲟⲙⲛ̅ⲧ ⲛ̅ϩ[ⲟⲟⲩ ⲙⲛ

ⲡⲟ]ⲧⲉ ⲛ̅ⲥⲉⲉⲓ ⲛ̣[ⲥⲓ ⲛⲉϥⲙⲁ

ⲑⲛ]ⲧⲛⲥ ⲛ̅ⲥⲉϥ[ⲓⲧϥ ⲛϫⲓ

ⲟⲩⲉ] ⲛ̅ⲥⲉϫⲟⲟⲥ [ⲙⲡⲗⲁⲟⲥ

ϫⲉ ⲁϥⲧⲱ]ⲟⲩ[ⲛ ⲉⲃⲟⲗ ϩⲛ

verso ↓

ⲁⲩ]ⲉⲓⲟⲣⲕⲣ ⲙ
ⲡⲱⲛⲉ ⲁⲩⲣ]ⲙⲟⲟⲥ ⲉⲣⲁⲓ
3 ⲉⲭⲱⲩ ⲛⲉⲩ]ⲓⲙⲉ ⲍⲉ [ⲛⲉⲫⲟ
ⲛⲑⲉ ⲛ]ⲟⲩⲃⲣⲛⲍⲉ [ⲁⲧⲱ
ⲧⲉⲩⲣ]ⲃⲥⲱ ⲛⲉⲥⲟⲩ[ⲟⲃⲱ
4 ⲛⲑⲉ] ⲛⲟⲩⲭⲓⲱⲛ· ⲉ[ⲃⲟⲗ ⲍⲉ
ⲣⲛ] ⲧⲉⲩⲣⲟⲧⲉ ⲁ[ⲧⲛⲟⲉⲓⲛ
ⲛⲍ]ⲓ ⲛⲉⲧⲣⲁⲣ[ⲉⲣ ⲁⲧⲱ
ⲁⲧⲱⲱ]ⲙⲉ ⲛⲑⲉ ⲛⲛ[ⲉⲧⲙⲟ
5 ⲟⲩⲧ ⲁⲩ]ⲟⲩ[ⲱⲱⲃ ⲍⲉ

(11) Acts viii. 39, 40; ix. 1, 6-8. Suppl. 18d; cf. 2. Position of the fragments (recto): $\frac{\text{pr}}{\text{d}}$

recto ↓

40 ⲣⲛ ⲧⲉ[ⲩⲣⲓⲛ] ⲉⲩ[ⲣⲁ]ⲱⲉ ⲫⲓ
ⲗⲓⲡⲡⲟⲥ [ⲁⲉ] ⲁⲧⲣ[ⲉ] ⲉⲣⲟⲩ
ⲣⲛ ⲁⲍⲱⲧⲟⲥ ⲁ[ⲧⲱ] ⲉⲩⲙ
ⲟⲟⲱⲉ ⲉⲩⲧⲁⲱⲉⲟⲉ[ⲓⲱ ⲛⲙ
ⲡⲟⲗⲓⲥ ⲧⲏⲣⲟⲧ ⲱ[ⲁⲛⲧⲩ
ⲉⲓ ⲉⲣⲣⲁⲓ ⲉⲕⲁⲓⲥⲁⲣ[ⲓⲁ
1 Ⲥⲁⲩⲗⲟⲥ ⲁⲉ ⲉⲧⲓ ⲉⲩ[ⲙⲉⲣ
ⲏⲁⲡⲓⲗⲏ ⲣⲓ ⲣⲱⲧⲃ̄ [ⲉⲣⲟⲧⲛ
ⲉⲙⲙⲁⲑⲏⲧⲏⲥ ⲙ̄[ⲡⲭⲟ
ⲉⲓⲥ ⲁⲩ† ⲡⲉⲩⲟⲩ[ⲟⲓ

verso →

ⲉⲧ]ⲡⲟ
ⲗⲓⲥ ⲁ[ⲧⲱ] ⲥⲉⲛ[ⲁⲧ]ⲁⲙⲟⲕ
ⲍⲉ ⲟ[ⲩ] ⲡⲉⲧ[ⲉⲱ]ⲱⲉ ⲉⲣⲟ[ⲕ

7 ⲉⲁⲁ[ⲩ] ⲛⲣⲱⲙⲉ ⲇⲉ ⲉⲧⲙⲟ
ⲟⲩⲉ] ⲛⲙⲙⲁⲩ ⲛⲉⲧⲁⲣⲉ
ⲣⲁⲧ]ⲟⲩ ⲉⲧⲟⲛⲩ ⲉⲧⲥⲱⲧⲙ̄
ⲙⲉⲛ] ⲉⲧⲉⲥⲙⲏ ⲉⲛⲥⲉ
ⲛⲟ(ⲉ)ⲓ ⲁ]ⲛ· ⲛⲉⲧⲛⲁⲩ ⲥⲁⲣ ⲁ
8 ⲛ ⲉⲗⲁⲁ]ⲩ· ⲥⲁⲩⲗⲟⲥ ⲇⲉ ⲁⲩ
ⲧⲱⲟⲩ]ⲛ ⲉⲃⲟⲗ ⲣⲓⲭⲙ̄ ⲡⲕⲁⲣ
ⲉⲣⲉⲛ]ⲉⲩⲃⲁⲗ ⲇⲉ ⲟⲩⲏⲛ
ⲛⲉⲩⲛⲁⲩ ⲉⲃⲟ]ⲗ ⲁⲛ ⲁⲩϫ[ⲓ

For the text cf. [G. Horner], *The Coptic version of the New Testament in the Southern dialect*, vol. 6, pp. 182-188, and H. Thompson, *The Coptic version of the Acts of the Apostles and the Pauline Epistles in the Sahidic dialect* (Cambridge, 1932), pp. 24-25.

v. 39 : ⲣⲛ = Horner ; Thompson ⲛ.

v. 40 : ⲁⲩⲱ = Thompson ; Horner without ⲁⲩⲱ

v. 1 : ⲉⲧⲓ ⲉⲩⲙⲉⲣ : Horner without ⲉⲧⲓ ; Thompson ⲉⲧⲓ ⲛⲉⲩⲙⲉⲣ.

v. 7 : ⲛⲉⲧⲁⲣⲉⲣⲁⲧⲟⲩ = Horner ; Thompson ⲉⲧ-. — ⲉⲧⲥⲱⲧⲙ : Horner and Thompson ⲛⲉⲧ-.

(12) Acts x. 39-41, 45-47. Suppl. 18e ; cf. 2.

recto ↓

ϣⲟⲟⲩⲧ[ⲩ ⲉⲁⲧⲁϣⲧⲩ ⲉⲧϣⲉ
40 ⲡⲁⲓ ⲉⲛⲧⲁⲡⲛⲟⲩⲧⲉ [ⲧⲟⲩ
ⲛⲟⲥⲩ̄ ⲣⲙ̄ ⲡⲙⲉⲣϣⲟ[ⲙⲛⲧ
ⲛ̄ⲣⲟⲟⲩ· ⲁⲧⲱ ⲁⲩⲧⲁ[ⲁⲩ ⲉ
41 ⲧⲣⲉⲩⲟⲩⲱⲛⲩ̄ ⲉⲃⲟ[ⲗ ⲙⲡⲗⲁ
ⲟⲥ ⲧⲏⲣⲩ̄ ⲁⲛ· ⲁⲗⲗⲁ [ⲛⲁⲛ
ⲛⲉⲛⲧⲁⲩⲧⲟϣⲟⲩ ϫ[ⲓⲛⲏ
ϣⲟⲣⲡ̄ ⲙ̄ⲙⲛ̄ⲧⲣⲉ ⲉⲃ[ⲟⲗ ⲣ[
ⲧⲙ ⲡ]ⲛⲟⲩ[ⲧⲉ· ⲛ[ⲁ[

verso →

ⲉ]ⲣⲣⲁ[ⲓ ⲉϫⲛ ⲛⲕⲉⲣⲉ
46 ⲟⲛ]ⲟⲥ· ⲛⲉⲩⲥⲱⲧⲙ̄ ⲅⲁⲣ
ⲉⲣ]ⲟⲟⲩ ⲉⲩϣⲁϫⲉ ⲛ̄ⲣⲉⲛ
ⲕⲉ]ⲁⲥⲡⲉ ⲁⲧⲱ ⲉⲩ† ⲉ
ⲟⲟ]ⲩ ⲙ̄ⲡⲛⲟⲩⲧⲉ· ⲧⲟⲧⲉ
47 ⲁⲡ]ⲉⲧⲣⲟⲥ ⲟⲩⲱϣⲃ̄ ϫⲉ
ⲙⲏ]ⲧⲓ ⲟⲩⲛ ϣⲥⲟⲙ ⲛ̄ⲗⲁ
ⲁⲩ ⲉ]ⲕⲱⲗⲩ ⲙ̄ⲡⲙⲟⲟⲩ
ⲉⲧⲣⲉⲛ]ⲁ[ⲓ ϫⲓ ⲃⲁⲡⲧⲓⲥⲙⲁ

(13) Acts x. 43, 44, 47 ; xi. 2, 3, 5, 6, 9, 10, 13. Suppl. 8. Bottom part of a vellum leaf with three columns (fifth century).

recto (flesh) 1st column

нне[тнове [евол
ριτ]ϩ пеφран·:
44 ети ае] ерепетрō
х]ω ϩнееιϣа'
хе] апеп̄на̄ є
т]оτααв ρε є
х]н̄ οτον ним
margin

recto 3rd column

неϥ[(ϥ)аϥ нσι не
сн̣[нτ невол
3 ρϩ п[с]в̄[βе етхω
м̄мос хе [ак
βωк ерот[н ϣа
ρенрω[ме
margin

verso 2nd column

тапнοτте τβ̣
βοοτ н̄ток
м̄пр̄хармοτ
10 паї ае аϥϣω
пе н̄ϣм̄т сωп
ατω он аτϥι
margin

verso 2nd column

(47) н̄ллаат екω
λτ м̄мοοτ· sic є
тренаї хι βа
птιсма· наї
ентατχι м̄пе
пн̄а̄ етοτααβ
margin

verso 1st column

аϥп]ω[ρ] ϣа
6 рοι] аїσωϣτ'
ϩ]е ατω аιмοτρ
ερ]раї ехωϥ
аι]наτ ентβ̄
но]ντε м̄пκаρ
margin

verso 3rd column

13 аϥ]тамοοτ ϩ[е
ебе ент[аϥнат
епαττ[елос ϵϥ
аρερατϥ ϩϧ
пеϥнї ϵϥχ[ω
м̄мос нαϥ χ[е
маχοοτ ϵїο[ппн
margin

v. 44 : ρε ехн : Horner and Thompson ρε ερраι ехн.

v. 47 : ммοοτ : l. мпмοοτ.

v. 9 : ⲛⲧⲟⲕ = Thompson ; Horner + ⲁⲉ.

v. 10 : ⲁⲩⲱ ⲟⲛ = Horner ; Thompson without ⲟⲛ.

v. 13 : ⲁⲫⲧⲁⲙⲟⲟⲩ : Horner and Thompson ⲁⲫⲧⲁⲙⲟⲛ. Horner and Thompson without ⲁⲉ.—ⲛⲁⲫ = Thompson ; Horner without ⲛⲁⲫ.

(14) Acts xiii. 34-38. Suppl. 17. Fragmentary vellum leaf of a lectionary. Two columns (ninth or tenth century). On the other side Hebr. vii. 17-21 (= no. 19).

There are only a few scattered letters discernible of the first column.

2nd column

ⲁⲫⲭ]ⲟⲟϥ [ⲛⲧⲉⲓϩⲉ
ⲭⲉ ϯⲛⲁϯ ⲛⲙ]ⲧⲙ̄ ⲛⲙ[ⲉⲧ
ⲟⲩⲁⲁⲃ ⲛⲁⲁ]ⲁ ⲉⲧⲙ̄
ϩⲟⲩ ⲭⲉ ϥ]ⲭⲱ ⲟⲛ ⲙ
ⲙⲟⲥ ϩⲙ ⲕⲉ]ⲙⲁ ⲭⲉ ⲛⲛⲉⲕ
ϯ ⲙⲡⲉⲕ]ⲡⲉⲧⲟⲩⲁⲁⲃ
ⲉⲧⲣⲉϥⲛⲁⲩ ⲉⲡⲧ]ⲁⲕⲟ > ⲁⲁⲁ
ⲙⲉⲛ ⲅⲁⲣ ϩ]ⲙ ⲧⲉϥⲥⲉⲛⲉⲁ
ⲁϥⲱⲙⲱϩ] ⲭ̄ⲡⲟⲩⲱⲱ
ⲙⲡⲛⲟⲩⲧ]ⲉ (*sic*) ⲁⲩⲟⲩⲁⲣϥ̄
ⲛⲛⲁϩⲣⲙ ⲛ̄ϥⲉⲓⲟⲟⲧⲉ
ⲁⲩⲱ ⲁ[ⲩⲛⲁⲩ] ⲉⲡⲧⲁ[ⲕⲟ
ⲡⲉⲛⲧⲁⲡⲛⲟⲩⲧⲉ ⲁⲉ
ⲧⲟⲩⲛⲟⲥϥ ⲙ[ⲡϥ]ⲛⲁⲩ
ⲉ]ⲡⲧⲁⲕⲟ [ⲙⲁⲣⲉϥⲟⲩ]ⲱⲛϩ̄
ⲥⲉ ⲛⲛⲧⲛ ⲉ]ⲃⲟⲗ ⲛⲣⲱⲙ[ⲉ
ⲛⲁⲥⲛⲛⲩ ⲭⲉ ⲉ]ⲃ[ⲟ]ⲗ ϩⲓⲧ[ⲙ
ⲡⲉⲓⲡ̄ⲥ ⲥⲉⲧⲁϣ]ⲉⲟⲉⲓ[ϣ

v. 34 : ⲉⲧⲛϩⲟⲧ : Horner ⲉⲧⲟ ⲛϩⲟⲧ.

v. 35 : Thompson ϥⲭⲱ ⲙⲙⲟⲥ ⲟⲛ ; Horner without ⲟⲛ.

v. 36 : Horner and Thompson ⲙⲡⲛⲟⲩⲧⲉ ⲁⲩⲛⲕⲟⲧⲕ ⲁⲩⲟⲩⲁⲣⲥ.

v. 37 : Horner without ⲁⲉ.

v. 38 : Horner without ⲥⲉ.

(15) Romans i. 1-6, 10-13, 17-20. Suppl. 32. Fragmentary vellum leaf with two columns (ninth or tenth century). In two passages it seems to have had a much larger text than usual. But both spots are mutilated, the one being the verso of the other. This fact suggests that the leaf was damaged in this place before the text was written. But that does not explain everything. It may be, however, that some small parts are misplaced.

recto 1st column

ⲡⲉⲭ̅ⲥ̅ ⲡⲁ]ⲛ̣ⲟⲥ
ⲧⲟⲗⲟⲥ ⲉⲧ]ⲧⲁ
ⲣⲙ ⲡⲉ]ⲛⲧⲁⲩ
ⲡⲟⲣⲥ]ⲥⲩ ⲉⲃⲟⲗ
ⲙⲡ]ⲉⲩⲁⲥⲧⲉ
ⲗⲓ]ⲟⲛ ⲙ̅ⲡⲛⲟⲩ
2 ⲧⲉ]. ⲡⲁⲓ ⲛ̅ⲧⲁⲩ
ⲱⲣⲡⲡ̅ *sic* ⲉⲣⲛⲧ
ⲙ̅ⲙⲟⲩ ⲉⲃⲟⲗ ⲣⲓ̈
ⲧⲟⲟⲧⲟⲩ ⲛⲛⲉⲩ
ⲡ[ⲣⲟ]ⲫⲏⲧⲏⲥ (*sic*)
ⲉⲧⲟ[ⲩ]ⲁⲁⲃ·
3 ⲉⲧⲃⲉ ⲡⲉⲩⲱⲏ
ⲣⲉ] ⲡⲁⲓ ⲛ̅ⲧⲁⲩ
ⲱ[ⲱⲡ]ⲉ ⲉ̀ⲃⲟⲗ ⲣⲙ
ⲡⲉⲥⲡⲉⲣⲙⲁ̅ ⲛ̅
ⲁ̅ⲁ̅ ⲕⲁⲧ[ⲁ ⲥ]ⲁⲣⲝ̣
4 ⲡⲉⲛⲧⲁⲩⲧⲟⲱ[ⲥ]ⲩ
ⲛⲱⲩⲛⲣⲉ ⲛ̅[ⲧⲉ
ⲡⲛⲟⲩⲧⲉ [ⲣⲙ

margin

2nd column

ⲧⲥⲟ[ⲙ ⲕⲁⲧⲁ ⲡⲉⲡ
ⲛ̅ⲁ̅ ⲙ̣[ⲡⲧⲃⲃⲟ ⲉⲃⲟⲗ
ⲣⲙ̅ ⲡ[ⲧⲱⲟⲩⲛ ⲛⲛⲉⲧ
ⲙⲟⲟ[ⲩⲧ ⲛⲓ̅ⲥ̅ ⲡⲉⲭ̅ⲥ̅
5 ⲡⲓ̈ⲝ̣[ⲟⲉⲓⲥ ⲡⲁⲓ ⲛⲧⲁⲛ
ⲝ[ⲓ
ⲣ[ⲉⲛ]ⲭ̣[ⲁⲣⲓⲥ ⲉⲃⲟⲗ ⲣⲓ
ⲧⲟⲟⲧⲩ [ⲙⲛ ⲟⲩⲙⲛⲧ
ⲁ]ⲡⲟⲥⲧ[ⲟⲗⲟⲥ ⲉⲡⲥⲱ
ⲧⲙ̅ ⲛ[ⲧⲡⲓⲥⲧⲓⲥ ⲣⲛ ⲛ
ⲣⲉⲑ[ⲛⲟⲥ ⲧⲏⲣⲟⲩ ⲣⲁ
6 ⲡⲉⲩ[ⲣⲁⲛ ⲉⲧⲉ
Ⲧⲏ[ⲛⲡ ⲣⲛ ⲛⲁⲓ ⲛⲧⲱ
ⲧⲛ̅ [ⲣⲱⲧ ⲧⲏⲩⲧⲏ
ⲉ̅ⲧ[ⲉⲧⲛⲧⲁⲣⲙ ⲣⲛ ⲓ̅ⲥ̅
ⲛ̣[ⲉⲭ̅ⲥ̅

The first preserved line of the first column is on the level of the fourth preserved line of the second column.

v. 2 : προφητης : Horner and Thompson + ϩν νεγραφη.

v. 4 : ντε : Horner and Thompson ⲙ.

v. 5 : beginning : Horner and Thompson : ναι (ε)ντανϫι νοτχαριϲ. The correct reading here may be :

ϫ[
ϩ*[
[.]*ⲓχ[
τοοτϥ[

v. 6 : Horner and Thompson without ντωτν ; that would not fill the gap here.

verso 1st column		2nd column	
]ⲁⲡⲛο[ⲧ		ⲇ[ικαιοϲ ναωνϩ ϵ	
τε ϵϵι ϣαρω]τⲛ̄ : ~		ϧολ [ϩν τπιϲτιϲ	
ϯοτϵϣ ναϩ τα]ρ ϵρω	11	Τορ[τν̄ ταρ ⲙⲡ	18
τν̄ ϫϵκααϲ ϵι]ϵϯ ⲛν̄		νοϩτε [ναϭωλⲡ ϵ	
τν̄ νοτϩⲙοτ] ⲙⲡⲛ̄ⲁ		ϧολ ϵϫⲛ̄ ⲙ[ντϣαϥ	
τικον ϵτα]ϫρϵ		τϵ νⲓⲙ· ⲁϩ[ω ⲡϫι ν	
]*ⲧ*[?		ϭονϵ̄ ⲛⲛ̄ρω[ⲙϵ ναι	
]τ**ϵ[		ϵ̀ταⲙⲁϩτε [ντⲙϵ	
. .]. ⲡαⲓ̈ [ϫϵ ⲡϵ	12	ⲙ̄ⲡⲛοϩτε [ϩν οϩ	
ϵτρνϲλ]ϲλ ν[ϵνϵ]ρⲛϩ		ⲛϩντ τν̄]ϩτν̄ ϩⲓ̈	19
τν̄ τπιϲτιϲ] ϵτρⲛ̄		νϵνϵρνϩ τ]ωτν̄	
ⲙν̄ τωⲓ̈]		ϫν̄ τωⲓ̈]	20
ϯοτωϣ ταρ ϵτ]ρϵτϵ	13	τνϵιⲙϵ ναϲνν̄]ϩ.	

2nd column

ϫ[ικαιοϲ ναωνϩ ϵ
ϧολ [ϩν τπιϲτιϲ
Τορ[τν̄ ταρ ⲙⲡ
νοϩτε [ναϭωλⲡ ϵ
ϧολ ϵϫⲛ̄ ⲙ[ντϣαϥ
τϵ νⲓⲙ· ⲁϩ[ω ⲡϫι ν
ϭονϵ̄ ⲛⲛ̄ρω[ⲙϵ ναι
ϵ̀ταⲙⲁϩτε [ντⲙϵ
ⲙ̄ⲡⲛοϩτε [ϩν οϩ
ϫⲓ̈ νϭονϲ· ϫ[ϵ ⲡϲοοτν
ⲙ̄ⲡⲛοϩτε ο[τονϩ
ϵ̀ϧολ νϩντ[οϩ ⲁⲡ
νοϩτε ταρ ο[τονϩϥ
ναϩ ϵϧολ· νϵ[ϥⲡϵτ
ϩⲛⲡ ταρ ϵϧολ [ϩⲙ
ⲡϲωντ ⲙ̄ⲡκ[οϲⲙοϲ

ⲍⲉ ⲁⲓⲕⲁⲁⲥ ⲫⲁ ⲉⲓⲁ]ⲧ ⲫⲛ ⲛⲉⲩⲧⲁⲙ[ⲓⲟ ⲉⲧⲛⲟⲓ
ⲙⲙⲟⲟⲩ. ⲁⲩⲱ [ⲥⲉⲛⲁⲩ
ⲉ]ⲣⲟⲟⲩ ⲉⲧⲉ ⲧⲉ[ⲩⲥⲟⲙ
margin

v. 11 : ⲧⲟⲩⲉⲱⲩ ⲛⲁⲩ ⲥⲁⲣ = Thompson ; Horner and Wessely (*Studien zur Palaeographie und Papyruskunde*, vol. 12, p. 171) ⲧⲟⲩⲱⲩ ⲥⲁⲣ ⲉⲛⲁⲩ.—End of this verse : ⲧⲁϫⲣⲉ ⲧⲏⲩⲧⲛ.

v. 18 : ⲉϧⲟⲗ Horner, Thompson and Wessely + ⲫⲛ ⲧⲡⲉ.

v. 20 : Horner, Thompson and Wessely without ⲁⲩⲱ.

(16) Romans xi. 30-35 ; xii. 1-3 in pure Fayyoumic dialect. Suppl. 1. Fragmentary vellum leaf (fifth century). Parts of the same passages in Fayyoumic are published in W. E. Crum, *Catalogue of the Coptic manuscripts in the British Museum*, no. 506, which also seems to be an early text. Wessely's text of the same passages[1] is much younger and in a Fayyoumic showing much Sahidic influence (*Fs*). The recension too is quite different. Our text follows closely the Bohairic version.

Each page has two columns. The bottom of the leaf is cut away. Seven or eight lines are lacking at the end of each column.

recto (flesh) 1st column

ⲁ[ⲛⲉⲓ] ⲛⲉⲧⲉⲛ
ⲫⲛ ⲧⲙⲉⲧⲁⲧⲥⲱ
31 ⲧⲉⲙ ⲛⲧⲉ ⲛⲉⲓ ⲛ
ⲧⲉⲓϩⲏ ϩⲱⲟⲩ ⲛⲉⲓ
ⲧⲛⲟⲩ ⲁⲩⲉⲗ ⲁⲧ

2nd column

ⲍⲁ
ⲁⲩⲱ ϩⲉⲛⲁⲧⲁⲓ
ⲧⲉⲥⲥⲓ ⲛⲥⲱⲟⲩ
ⲛⲉ ⲛⲉⲩϩⲓⲁⲩⲓ
34 ⲛⲓⲙ ⲥⲁⲣ ⲡⲉⲧⲁϥ
ⲓⲙⲓ ⲉⲡϩⲏⲧ ⲙⲡⲟ̄

[1] Ein Sprachdenkmal des mittelägyptischen (baschmurischen) Dialekts. Sitzungsberichte der Akademie der Wissenschaften in Wien, philosophisch-historische Klasse, vol 158/1, Vienna, 1908 ; cf. W. Till, Koptische Pergamente theologischen Inhalts I (Mitteilungen aus der Papyrussammlung der Nationalbibliothek in Wien, II. Folge, Vienna, 1934), p. xvi.

	cωτεм мса пе	35	їе мім петаqеλ
	тенмеї ρіма м		ѡβнλ мѡахмі
	се[меі м]ет ρωоτ		мемеq їе мім
32	ϯмоτ а]ϥϯ гар		петаqеλ ѡарп
	етп оτа]м міві		мϯ меq аτѡ
	ероτм ρа] отмет'		ммϯ мєq * * *
	verso 1st column		2nd column
	ζβ		
	єβаλ ρітєм мі		ποτѡѡ [м]ϥϯ
	мєтλеqѡєм		пагафон аτѡ
	ρмт мтеϥϯ кєс		єтакρтнq аτѡ
	мтетентаqе		єтхмк єβаλ·
	мєтєнсѡма	3	ϯхѡ гар ммас
	мотоτсіа ес		єβаλ ρітєм пе
	анр есоτеϐ ес		ρмат єттаї мні
	акρтнq мϥϯ		мота[м мі]qі [.]єт
	мхе пєтєнѡм		ѡап[ρм тнот
	ѡі мλотсікон		єѡтє[мєλ рот(а)
2	єнтєтєнтм		ємно[τі ?

(17) I Corinthians i. 4, 8, 9, 11, 12, 14, 15, 21, 25, 27. Suppl. 5b and a resp. Fragments of two vellum leaves with two columns (fifth or sixth century). I did not succeed in identifying the text of the small fragment c.

Fragm. 5c recto

	1st column		2nd column
(4)	єі]ѡ нім ρарѡтн		тн ρм пер[оот
	тнртн̄ єрраї є		м̄пєнхої[с їс̄] пе
	хн̄ тєхарїс м̄	9	χ̄с̄· отпістο[с
	пнотτє· таі		пє пнотτе н̣[аі
	нтаττаас нн		нταττаρм̄ [тнт *sic*
	тн ρм̄ пєχ̄с̄ їс̄		тн єβο[λ] ρі[

verso 1st column
т]ḥотн нас̣нит
ҫ[вол ри]тоотоу
н]нахлон' хе оун
ҏ]ḥ ϯ̣ωн нҏнт
12 тнт]т̣ḥ ϯхω хе
м]п̣аї [х]ҫ п̣оу̣а̣ п

2nd column
λаау [ммωтн
нса трістос
15 мп̄ ра̣ї[ос] хе
кас п̄нєоуа хо
ос хе нта̣т̄п̄
вантіζе єпа

Fragm. 5a recto 1st column
(a few letters only)

2nd column
(21) тсофіа̣ [ацрҏнац
нсι п]ноу[те етоу
хе нетп[істеуе
ҏітн т[мнтсоѕ
м̄пта ѡ[єоєіѡ

verso 1st column
]ҫ̣оφια [н]т̣ҫ
25 пн]оутє пе· хе
тмн]тсоѕ н̄те
пноу]те оуѫ̄нт
сабе т]е єроуо
єнрω]ме· ауω
тмнтсωв̄] н̄т

2nd column
(27) поу [хекас єүе
ϯ ѡ[ιпе нисабеєу ау
ω [нсωв̄

v. 4 : Horner and Thompson without тнртн.

v. 8 : ҏм : Horner and Thompson ѡа.

(18) Galatians v. 18-20, 26 ; vi. 1. Suppl. 18 f. ; cf. no. 2.

recto →
]н[тетнѡоοп

verso ↓
(5, 26) ннєнєрн]ѕ єнф[ѳонєι
19 ан ҏ]а пнοм[ос сє
оуонҏ] хє євολ [нсι не
ҏвнуе] н̄тсар[ζ єте наι
не м]порνι[а нхωҏм
20 нсωωц] ѫ̄п[трец

6, 1 єнєнєр]ḥѕ· нес[ннѕ
єѡωпе] он єрѡа[ноу
рωме нҏ]нт тнѕ[тн
пҏ нρе ҏн] оупар[ап
тωма нтω]тн̄ [нєппеѕ

(19) Hebrew vii. 17-21. Suppl. 17 ; cf. no. 14.
First column (there are only a few letters preserved of the 2nd column).

17 сер м]нтр[е тар ϩарос же
н]ток п[е поүннв ϣа
ен]ер кат[а ттаξіс ммел
18 χісєлєк [аүоүωсц
тар ϣωп[е нтϣорп н
ентолн ет[βе тесмнт
атсом аүω [тесмнт
19 атноцре· [мпепномос
тар же к ла[ау евол· пеі
ае ероүн етр̣[елпіс етсо
тп таі а[е (*sic*) єв]ол [ϩітоотс
енеρωн ероүн ε̣п̣[ноү
20 т̣ аүω же ноү̣ϣ
н [ан]а̣ϣ ан [нн мен тар
аүϣω[пе] ноү̣н̣нв̣ ноү̣
21 єϣn̄ [анаϣ] евол (*sic*) ае [ρі
тn̄ (*sic*) о[үанаϣ] евол а̣е (*sic*) [ρі
т[м п]ет[хω ммос нац
же апх[с] ωр[к аүω нцна
р ρ]тнц [ан

v. 21 : beginning Horner and Thompson : паі ае (Horner + нтоц) ρн оүанаϣ евол ρітм петхω, etc. —же: no place for хоеіс or хоіс.

(20) II Peter ii. 10-17. Suppl. 18 *bis*. Fragmentary vellum leaf, two columns (ninth or tenth century).

recto (hair) 1st column	2nd column
	12 наі] ае ε̣[аү]х
	п]оот n̄θє n̄

		ⲛⲉⲫⲉⲥⲓⲕⲟⲛ
		ⲛ̣ⲧⲃⲏⲏ ⲉⲣⲁⲓ
		ⲉⲩⲱⲭⲛ ⲙⲛ̀
		ⲟⲩⲧⲁⲕⲟ
	ⲉⲁⲩⲕⲁⲧ]ⲁⲫ	ⲉⲩⲭⲓ ⲟⲩⲁ̀ ⲉ
	ⲣⲟⲛ]ⲉⲓ ⲛⲧ	ⲛⲉⲧⲛⲥⲉⲥⲟⲟⲩⲛ
	ⲙ̀]ⲛⲧⲭⲟⲉⲓⲥ	ⲙ̄ⲙⲟⲟⲩ̣ ⲁⲛ
	ⲉⲣⲉⲛ̣ⲣⲉⲩⲧⲟⲗ	ⲥⲉⲛⲁ̣ⲁⲕⲟ
	ⲙⲁ ⲛⲉ ⲉⲧ	ⲣⲣⲁⲓ ⲣⲙ̀ ⲛ̣ⲉⲩ
	ⲙⲛⲧⲁ̣[ⲩⲑⲁ	13 ⲧⲁⲕⲟ̀ ⲉⲁⲩ
	ⲧⲛⲥ̀ ⲛⲥ̣ⲉⲥ	ⲭⲓ ⲛⲟⲩⲃⲓⲕ̣ⲏ̣
	ⲧⲱ[ⲧ] ⲁⲛ ⲣⲏ	ⲏ̄ⲭⲓ ⲏ̄ⲥⲟⲏ̄ⲥ̄
	ⲧⲩ ⲙ̄ⲡⲉⲟⲟⲩ	ⲉⲩⲱⲡ ⲏ̄ⲧⲉⲧ̣
11	ⲉⲩⲭⲓ̣ ⲟⲩⲁ ⲉⲡ	ⲣⲟⲫⲏ ⲉⲧ
	ⲙⲁ ⲉⲧⲉⲣⲉⲛⲁⲩ	ⲣⲙ̄ ⲡⲉⲣⲟⲟⲩ
	ⲧ]ⲉⲗⲟⲥ ⲟ ⲛⲛⲟⲥ	ⲉⲩⲣⲏⲇⲟⲛⲏ
	ⲛⲣ]ⲏⲧⲩ . .	ⲉⲩ[ⲧⲟⲗⲙⲁ

The first preserved line of the first column is on the level of the seventh line of the 2nd column.

v. 11 : beginning ⲉⲡⲙⲁ : Horner ⲡⲙⲁ.

v. 12 : ⲛⲉⲫⲉⲥⲓⲕⲟⲛ : Horner ⲛⲉⲓⲫⲩⲥⲓⲕⲟⲛ.

v. 13 : ⲃⲓⲕⲏ *sic*, l. ⲃⲉⲕⲉ. — ⲧⲣⲟⲫⲏ : Horner ⲧⲣⲩⲫⲏ.

	verso 1st column	2nd column
14	ⲧ[ⲉⲩⲁⲩⲁⲡⲏ ⲉⲣⲉⲛⲉⲩ	
	ⲃ[ⲁⲗ ⲙⲉⲣ ⲙⲙⲛⲧ	
	ⲛⲟⲉⲓⲕ̀ ⲛ̀ⲥ[ⲉ	
	ⲕⲱ ⲛⲧⲟⲟⲧⲣ̣[ⲩ	
	ⲉ̀ⲃⲟⲗ ⲁ̣ⲛ ⲣⲙ	
	ⲡⲛⲟⲃⲉ̣ ⲉⲩⲁ	
	ⲡⲁⲧⲁ ⲛⲛⲉ	ⲧ̣[ⲉⲩⲡⲁⲣⲁⲛⲟ
	ⲯⲩⲭⲏ ⲛⲛⲉ	ⲙⲓ̣[ⲁ ⲙⲙⲓⲛ ⲙ

тнєєтаѯрнт
ан· єа[т]кем
наʒ[є ѫ]пет
ϩнт єϩенѫн
т̣[р]єцхі нѯо
нс· єϩенщн
р̣[є] нте пса
15 ϩо]т не а̣т
п̣лана а̣т
кѡ нсѡот
нт̣[єϩін є]т

ѫоц [оттв
нн нат[ща
ѯе ϩн̄ н[рѡ
ѫе аϥотѡ
щв аϥкѡ
λі[є н]тмн̄та
т]ϩ̣[нт] ѫпєп̣
ро]ф̣нтя̣[с
17 наі а]е ϩнп[н
тн] не єѫн
ѫоот нϩнт̣[от
атѡ ϩенн[і
ве не ере[от

v. 13 end : Horner нетаταπн.

v. 14 : ѫнтноєік : Horner + атѡ.—ннетнсєтаѯрнт : Horner without нн.

v. 15 : Horner єаткѡ.

v. 16 : Horner єаϥотѡщв.

The following table gives in the first column the inventory number of each fragment, and in the second column the number of the paragraph of the present article, in which the fragment is treated.

Suppl. 1	= 16	Suppl. 14	= 3
,, 2	= 4	,, 17	= 14, 19
,, 3	= 7	,, 18ab	= 2
,, 4	= 9	,, 18c	= 10
,, 5	= 17	,, 18d	= 11
,, 6	= 5	,, 18e	= 12
,, 7	= 6	,, 18f	= 18
,, 8	= 13	,, 18 *bis*	= 20
,, 9	= 8	,, 19	= 1
,, 12	= 3	,, 32	= 15

(*Completed December 1950.*)

RICHARD COBDEN'S ASSOCIATIONS WITH GERMANY [1]

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WHEN, in August, 1838, Richard Cobden set out on a tour in Germany, he was, at the age of 34, an already widely travelled man. He had made short visits to France, Switzerland, and the United States, and he had spent several months in the Near East. Lord Morley, in his *Life of Richard Cobden*, emphasises the abundance and copiousness of journals and letters registering impressions and experiences gained abroad.[2] Their great value lies in a combination of a thorough understanding of economic developments with a clear, straightforward style. It was precisely with the object of studying manufacturing and trading conditions that Cobden went to Germany.[3] He was always ready to note abroad forms of communal life and educational progress which merited serious consideration by his countrymen. That such an attitude naturally leads to stressing the positive and creditable aspects of foreign characteristics, however honest and unbiassed the observer may be, is clearly shown by Cobden's remarks on men and manners in Prussia and Saxony.

In a letter to his brother Frederick, Richard Cobden points out how the Zollverein ("Commercial League") is gradually unifying Germany under Prussian leadership. The members of the Prussian civil service are to a great extent university trained. The extremely simple Court life of King Frederick William III sets an example to the country. The highest praise is reserved for the efficiency of the Prussian administration. "I very much suspect that at present, for the great mass of the people, Prussia possesses the best government in Europe." [4]

[1] I feel much indebted to the Librarian of the John Rylands Library, Professor Edward Robertson, for permitting me to use the MS. printed below and for his kind interest in the subject.

[2] John Morley, *The Life of Richard Cobden*, Jubilee edition, Vol. I (1896), p. 44.

[3] *Ibid.*, p. 128.

[4] 11th September, 1838. *Ibid.*, pp. 129-30.

As Morley said in comment upon these lines, " It is not right to press the phrases of a hasty letter of a traveller too closely ".[1] The same warning applies to the summary Cobden gave of his impressions on 29th September, 1838, when he had reached Salzburg by way of Leipzig, Prague, and Vienna. This letter, written to his business friend William Neild,[2] which is printed below, now forms part of John Rylands Library English MS. 868.

The letter is interesting for several reasons. Least of all perhaps for the favourable picture drawn of people and governments in Germany. In the light of later developments Cobden's lines may indeed appear to be a remarkable piece of exuberant optimism. But similar views were held by many foreign—especially French—observers who wrote on Germany in the first half of the nineteenth century. They do not, however, as a rule devote so much space to economic conditions. What Cobden said about Saxon industry was amply confirmed by its succeeding expansion. Cobden had emphasised the progress of Saxon industry already in 1836, when in his pamphlet *Russia* he spoke of the superiority in cheapness and quality of Saxon mixed cotton and linen drills.[3]

Cobden's description is characteristic of his own opinions, interests, and hopes. The observations on the disarmament of fortresses indicate his deep-rooted aversion to war—which in his case was based even more on practical than on moral considerations, and which was a corollary to his Free-trade convictions. He does not overlook, however, the part played by universal military service in raising the level of education.

One would like to know Cobden's impressions of Bavaria and Western Germany. Morley gives no details of this last part of the

[1] John Morley, *The Life of Richard Cobden*, Jubilee edition, Vol. I (1896), p. 131.

[2] William Neild, 1789-1864, a Quaker, was a partner in the firm of Thomas Hoyle & Sons, calico printers ; he was elected Mayor of Manchester in 1840. Cf. William E. A. Axon, *The Annals of Manchester* (London, 1886), p. 292 ; and Shena D. Simon, *A Century of City Government, Manchester 1838-1938* (London, 1938), *passim*.

[3] *The Political Writings of Richard Cobden*, ed. by Sir Louis Mallet and W. C. Bryant, Vol. I (1903), pp. 219, 226 ff. Edward Baines, Jr., writing at about the same time, still thought the Saxon cotton industry to be " as yet insignificant ". *History of the Cotton Manufacture in Great Britain* (London, 1835), p. 526.

journey.[1] Cobden again came to Germany in July, 1847, at the end of eleven months spent in France, Spain, and Italy; at Vienna he had a long interview with Metternich, where the Prince did all the talking, which centred mainly on Italy.[2] At the end of the same month he reached Berlin, where he was invited to dinner at Potsdam by King Frederick William IV, and to tea by Prince William of Prussia.[3] On his way north Cobden had had the pleasant surprise of seeing, at Dresden, in a shop window a silk handkerchief for sale, with his portrait and his name on it.[4]

During his long journey Richard Cobden had to attend innumerable dinners arranged by local Free-trade associations in his honour. The same obligation awaited him at Berlin; as usual Cobden made his speech in English, but apparently the greater part of his audience understood him, and there followed a translation.[5] A few days afterwards the *Allgemeine Preussische Zeitung* published a long biographical note, ending with the impression Cobden made at that time, at the age of 43, on the writer of the article.[6]

" The mighty orator is of a slender, weakly, slightly nervous constitution ; his features are delicate, his physiognomy bears the stamp of thoughtfulness and calmness, with a shade of resolution ; there is nothing domineering, and his physiognomy is agreeable rather than impressive. It has often seemed surprising that a man of a seemingly weakly constitution could venture to undertake such tremendous exertions of mind and body. . . . The secret of his physical strength lies in his unusual temperance and in his happy ability to sleep whenever he wants to. The secret of his

[1] From Salzburg Cobden went on to Munich, where he arrived on 3rd October. *Muenchener Politische Zeitung*, 1838, no. 237.

[2] Cobden's diary of 10th July. Morley, Vol. I, pp. 442-43.

[3] Later Emperor William I. Diary of 28th and 31st July. Morley, Vol. I, pp. 444-48.

[4] Morley, Vol. I, p. 444. From Berlin Cobden went to St. Petersburg by Stettin-Danzig-Riga. On his homeward journey he passed Lübeck and Hamburg. In addition to the extracts from his diaries published by Morley in Vol. I, Ch. xviii, cf. also Julie Salis Schwabe, *Richard Cobden. Notes sur ses voyages, correspondances et souvenirs* (Paris, 1879), nos. xvii and xviii. English translation : *Reminiscences of Richard Cobden* (London, 1895).

[5] Diary of 31st July. Morley, Vol. I, pp. 447-48. *Allgemeine Preussische Zeitung*, 1847, no. 213.

[6] *Ibid.*, nos. 215 and 216 (5th and 6th August).

moral strength, however, is to be found not only in the superiority of his mind and in the unbending firmness of his character, but also in the modesty and in the simplicity of his manners."

Throughout his political career Richard Cobden remained an ardent opponent of armed intervention; this attitude, to which he kept so steadfastly later during the Crimean war, brought him into early contact with the Peace Society. He took part in the Second General Peace Congress held at Paris in August, 1849,[1] and again in the Third Congress, held at Frankfurt in 1850. The Frankfurt meeting lasted from 22nd to 24th August, and took place in the Paulskirche, where the German Parliament of 1848 had assembled.[2] Not less than 250 of the 600 participants were British; there were also many Americans but relatively few Germans—owing largely to the war which was still going on in Schleswig-Holstein. The German press regarded the meeting in general with friendly interest, though with some scepticism; the debates were reported at great length. A Frankfurt newspaper noted that in the opening session both Richard Cobden and Higaga Bu, chief of the Chippewa Indians, were greeted with tremendous cheers.[3]

From the outset Richard Cobden took a prominent part in the proceedings. He was elected one of the vice-presidents of the assembly, and he headed a committee which sent an address of thanks to the French, Belgian, and Prussian governments for granting extra trains and dispensing with passport and customs formalities.[4] During the sittings of the general assembly Cobden spoke several times. In his first speech he noted with some surprise the presence of General von Haynau.[5] He appealed to

[1] Cf. Morley, Vol. II, pp. 45-49. The First Congress had been held at Brussels, September, 1848. There had been a Peace Meeting in London already in 1843. *Frankfurter Oberpostamts-Zeitung*, 1850, no. 201. The Fourth Congress was held in London, July, 1851.

[2] Cf. Morley, Vol. II, pp. 82-83, and the newspapers quoted in the notes below.

[3] *Frankfurter Oberpostamts-Zeitung*, 1850, no. 200. Cf. also *Mainzer Journal*, 1850, no. 197, and *Heidelberger Journal*, 1850, no. 201.

[4] *Rhein-Zeitung*, Baden-Baden, 1850, no. 168.

[5] Haynau's severity in quelling the insurgent Hungarians had aroused strong feeling. From Frankfurt Haynau went straight to London, to be mobbed there by the brewers. *Mannheimer Journal*, 1850, no. 203.

the diplomats of the world to submit questions they could not settle among themselves to international arbitration rather than try to solve them by armed force. He urged the audience to bring their influence to bear on their governments and to convince public opinion. He concluded his speech with a wish for a united Europe.[1] At the end of the Congress Cobden expressed his wishes for Germany's spiritual greatness, material prosperity, and political freedom, amid endless hurrahing, and waving of hats and handkerchiefs.[2]

On his return to England Cobden received friendly comment on his Frankfurt speeches from one of his acquaintances, Josias von Bunsen (Chevalier de Bunsen), Prussian Minister at the Court of St. James since 1841, who was married to an Englishwoman.[3] They kept in touch after Bunsen had moved, in 1854, to Charlottenberg, his new residence outside Heidelberg.[4] Through Bunsen Cobden heard of the Bender Institute, a well-known private school at Weinheim near Heidelberg, where he sent his only son Richard.[5] Thus he kept true to the advice he had given in 1838 to Mr. Neild, to make his boys learn German.

It fell to Bunsen to inform Richard Cobden of the sudden death (from scarlet fever) of his son in April, 1856.[6] Only a few

[1] The speech is printed in full by J. Salis Schwabe, *op. cit.*, no. xxviii. Cf. also (Henry Richard), *Proceedings of the Third General Peace Congress* (London, 1851).

[2] *Frankfurter Oberpostamts-Zeitung*, 1850, no. 202. *Mainzer Journal*, 1850, no. 200. After the Frankfurt meeting, a great number of Americans and Englishmen, among them the well-known Quaker Joseph Sturge, made an excursion to Heidelberg. On this occasion Heidelberg University conferred a doctor's degree on James Pennington, a negro from the United States, who had studied theology at New Haven, Conn.; it was the first time a doctor's degree was awarded to a negro by any European university. *Frankfurter Oberpostamts-Zeitung*, 1850, no. 204 (27th August). For J. Pennington cf. *Dict. of American Biography*, xiii, 441.

[3] Letter from R. Cobden to J. von Bunsen, 3rd October, 1850. J. Salis Schwabe, *op. cit.*, no. xxix. For Frances baroness von Bunsen, cf. *Dict. of National Biography* (O.U.P. edition), iii, 272.

[4] "Many distinguished strangers, especially Englishmen", frequented his house. Cf. G. Weber, *Heidelberger Erinnerungen* (Stuttgart, 1886), p. 279.

[5] Cf. Frances von Bunsen, *Christian Carl Josias Freiherr von Bunsen*; deutsche Ausgabe v. Friedr. Nippold, iii (1871), p. 455. The original, shorter version, *A Memoir of Baron Bunsen* (2 vols.), appeared in 1868.

[6] Richard died at Weinheim on 6th April, at the age of 14. Weinheim Church Register, Deaths, 1850-84, p. 86. Cf. Morley, Vol. II, pp. 180 ff.

days before his death the boy had written a long letter to his parents, telling them of excursions to places in the neighbourhood and asking for some valentines to give to his friends.[1]

Cobden naturally took a lively interest in Bunsen's projects for international arbitration and disarmament. He did not fail to perceive Bunsen's tendency to undertake too much at a time and to lose himself in details.[2] The two friends saw each other again at Paris in November, 1859, when Cobden was negotiating a commercial treaty with the French government.[3] They met for a last time at Cannes in February, 1860, the year of Bunsen's death.[4]

Another personal link with Heidelberg was Mrs. Julie Salis Schwabe, the German born wife of a Manchester manufacturer.[5] Mrs. Schwabe, who spent much time at Heidelberg and enjoyed Bunsen's confidence, was also a friend of many years' standing of Cobden's family. The letters written to her by Richard Cobden were not confined to private matters, they often discussed questions of the day. But when Richard Cobden, during the Schleswig-Holstein crisis of 1864, wrote to her of his friendly feelings towards Germany,[6] his opposition to the war party was hardly founded on mere sentiment, but rather on his condemnation of Palmerstonian meddlesomeness, and on his dislike of defending a treaty made without the least regard for the people concerned. At the root of all his exaggerated laudatory expressions about other nations—and they referred to the United States as much as to Germany—lay probably the wish to make his countrymen turn his observations to their own advantage and to spur them out of complacency.

[1] J. Salis Schwabe, *op. cit.*, no. lvii.

[2] Letter to Mrs. Schwabe, 21st June, 1856, and to Bunsen, 27th September, 1856; J. Salis Schwabe, *op. cit.*, nos. lxi, lxii. Letter from Bunsen to Cobden, 4th July, 1856; Bunsen-Nippold (cf. p. 463, n. 5), iii, p. 458.

[3] Bunsen-Nippold, iii, p. 554. Cf. also *ibid.*, p. 563.

[4] J. Salis Schwabe, *op. cit.*, no. lxvi.

[5] When the Anti-Cornlaw League was reconstituted in 1852, Salis Schwabe & Co., Manchester, subscribed £500. Cf. Henry Ashworth, *Recollections of Richard Cobden, M.P.* (1876), p. 239.

[6] J. Salis Schwabe, *op. cit.*, no. lxxi. Cf. Morley, Vol. II, pp. 440 ff.

APPENDIX

A LETTER FROM RICHARD COBDEN TO WILLIAM NEILD [1]

(John Rylands Library English MS. 868/3)

Saltzburgh, 30 September, 1838.

My dear Sir,

Having turned my face homewards at Vienna (which place I reached after a rapid journey by way of Berlin, Dresden, Leipsic, etc.) I take advantage of the first delay of a few hours here, on my way to the Rhine, to redeem the promise I made, by sending you a letter. So exceedingly limited has been my time, that I have scarcely seen more than the *Capitals* of Prussia, Austria, and Saxony, and these superficially only. But I do not regret the labor of the journey since it has enabled me to form a more correct opinion of the present state and prospects of Central Europe than I could possibly have gained from books. There are two different plans of travelling to advantage. The first and best is to take time enough in each country to ascertain thoroughly its condition from personal observation ; the other is to ascertain from actual inspection just so much as will enable one to read with advantage the more detailed accounts of others. I am obliged to content myself with the second mode, for want of time to pursue the first. My plan is to get the outlines of the principal features, and, like the painters, leave other hands to fill up the details for me.

One of the most striking points in the policy of the Continental states—because one that affects most agreeably the stranger—is the great attention every where bestowed upon the roads. In Prussia they are scarcely inferior to our own turnpikes. Saxony is not behind Prussia. And Austria, although inferior to her neighbors in the north, is making great efforts in the same way. In fact, since I landed on the Continent, I have not travelled on an *un*macadamised road. Heaps of small stones, cut to a prescribed form and size,—men busily engaged in scraping the roads,—organised bodies of workmen employed in digging and levelling,—meet the eye in every direction throughout Germany. Nor are they altogether idle in the formation of rail-roads. There are three lines begun at Vienna ; one of which is in partial operation ; and I saw the trains arrive and depart, filled with passengers. A very important line is nearly finished from Dresden to Leipsic ; and another from the latter place to Magdebourg, the head of the Elbe navigation, is in equal forwardness. When these roads are opened next year there will be a steam communication from the Centre of Europe to the Sea. Another line from Berlin to Dresden is also in progress. I envy the travellers of the next generation, who will travel over *Europe* with as little expense of time and labor as it cost our fathers to make the tour of England ! ! It is impossible to foresee all the effects of this revolution in the communication between nations ; but we in England ought to be prepared for meeting the great stimulus which it will afford to the people of the Continent in manufactures and commerce. Rail-roads will, in fact, put nations much more upon a level of equality than hitherto. Common roads may be of very different qualities,

[1] The original spelling of the letter has been retained.

although nominally the same— ; thus, the turnpike of England is vastly superior to the chaussée of France, but rail-roads, when once constructed, will carry equally fast the passengers and merchandise of all countries.

But the most important feature in the institutions of Germany is the great attention bestowed upon the education of the people. Prussia is very much in advance of all European nations in this respect. There is scarcely a young man or woman in the country from 20 to 30 who cannot read or write, and understand accounts. Even the militia service, which every young man must enter for a time, is made subservient to mental culture. If a young peasant cannot read or write on entering the army he is put to school ; and it is the remark in the villages of that country, that a young fellow entering the militia an uncultivated boor returns to his farm an educated man. We are apt in England to suspect that this education is made subservient to despotic views, on the part of the government. Nothing can be more irrational and unphilosophical on our part than such a supposition. Enlightenment and despotism are never found long in one community. Prussia is in fact no longer under an absolute monarch. The King,[1] who is one of the best of men, has voluntarily broken the sceptre of absolutism in his own hand, by raising up an enlightened public opinion to control the policy of his government. The public concerns of Prussia are managed with economy, wisdom, and justice. Simplicity and frugality are the fashion at Berlin. The Court dines at 2. The King rides out in a plain carriage and pair, dressed in a foraging cap, and unattended by military. The theatres commence at 6, and close at 9 or 9½ ; and Berlin is as quiet as an English village at 11. The same moderate habits prevail in Vienna, and Dresden, as well as other parts of Germany.

The system of education in Saxony is equal to that of Prussia. By the Austrian government considerable efforts are making in the same way. In fact the very best infant-school I ever saw is in Prague, the capital of Bohemia. When I relate to you, from the notes I took, the particulars of this establishment, you will agree with me that it is the model of such schools. That there must be great simplicity and moderation in the mind of the people of Germany will be self-evident from the character of their governments,—for nations and their rulers are ever similar in their characteristics. The Germans appear to me to answer to the quality described by English farmers when they speak of a "*kindly*" breed of stock. They are innately and naturally good-natured. I should think an act of rudeness never takes place in the whole of Germany. A churlish, uncivil, or splenetic German would be a curiosity. In going into their schools the children all rise and in one chorus give me "welcome" ; and as I leave they all join in a hearty "adieu". The workmen in the factories salute their employers by raising their caps on his first appearance amongst them in the morning ; and even the bedridden invalids in the hospitals made an effort to raise their night-caps to me in walking through those establishments. All this is only the outcome and visible sign of an inward feeling of kindliness and civility. Whether they would do well to dispose with these externals may be a matter of doubt. The *Vicar of Wakefield* used to make his children kiss and shake hands every morning at the breakfast table, because he said he was afraid if the forms of affection were omitted the feeling itself might be forgotten ; and the Germans seem to be of the same old-fashioned sentiment.

[1] Frederick William III.

Saxony, to a commercial man, is the most interesting portion of Germany. The people are perhaps the most industrious and frugal in the world. It is a little bee-hive—what Scotland is to England and New England to North America, Saxony is to Germany. The salt of the land is in Saxony. They are rivalling and indeed superseding us in many articles of manufacture; and if our present system of legislation upon the trade in provisions be persevered in, they will still further interfere with the labor of our artisans. To give you an idea of the extent of their manufactures, I need only mention that besides extensive productions in broad-cloths, merinoes, lace, silks and ginghams, they make annually two millions and a half of dozen pairs of stockings. I shall have some facts of this kind which I must bring before the attention of the Manchester Community on my return, shewing the operation of our corn-laws.

A great treat awaits you and Mrs. Neild when you put yourselves and your children into a strong "travelling" carriage, and pay a visit to Germany. Be assured it may be done with as much comfort and far less expense, than a trip of the same time to the hills of Derbyshire. But before you set off your sons must have mastered so much of the German language as to be able to be your interpreters. It is a language that is destined to become infinitely more important in their after-life than even now. Though at present it is spoken at the Courts of five kingdoms, and an empire—to say nothing of a score of minor potentates—altogether controlling upwards of sixty millions of people! The education and habits of the German family are now producing seeds which only require time to yield still richer fruits of literature and learning. Every year six or seven thousand new publications issue from the presses of Germany. Hundreds of thousands of volumes are printed annually in Leipsic alone. The Universities are filled with students, and directed by the most eminent men in Europe. Every thing in fact is tending to give to the literature of Germany a great influence on the future mind of Europe. Your boys must therefore learn German.

I must not omit to notice one very gratifying fact which is not generally known I think in England. A great many of the large towns, through which I passed, have thrown down their fortifications, and turned them into peaceful promenades. This is the case with Hamburgh, Leipsic, etc. In the public garden of the latter place is a monument to the Burgomaster who first proposed this change.[1] During the last Continental war it was found that those towns which were fortified suffered the most severely, as they invited the enemy; and what proved often quite as disastrous, as in the case of the Hanse towns, they afforded asylums for their friends.[2] This in the peace led to the destruction of the fortifications; and the largest and richest cities on the Continent are now entirely unprotected against the attacks of an army. Here is a practical illustration on a grand scale of the truth of the great Christian principle which distinguishes your religious body in *thus throwing aside the weapon of defense as a means of security*! There is another aspect in which it may be viewed with satisfaction by the friend of humanity. These rich towns containing the wealth and influence of the several communities will be pledged by their interest against a war. However we have a guarantee for peace in the financial embarrassments of every government of

[1] Karl Wilhelm Müller, burgomaster of Leipsic, 1778-1801. Cf. Karl Grosse, *Geschichte der Stadt Leipzig*, ii (Leipzig, 1842), pp. 432 f.

[2] An allusion to Blücher's defence of Lübeck during the Franco-Prussian war of 1806.

Europe. There is not one of the Northern powers that could raise a million sterling to put an army in motion; England and France are not in a better position;—for this I thank Heaven, believing as I do that if the treasuries were filled the governments would be at war again to empty them.

I have not left myself room to say a word about your local politics. It is a month since I saw an English paper, and I know not what is doing at home. I have no doubt that during your absence friend Wilson [1] (to whom I beg to be remembered) has done what is right in the way of organisation for the election. I hope the town is interested in the matter. Any thing like apathy would now be fateful to the prosperity of the good cause. I hope to be in Manchester to take upon me a share of the labors in about three weeks. In the mean time—requesting you to give my regards to Mrs. Neild and your family—and to your partners—I beg to subscribe myself

Yours very faithfully

RICHARD COBDEN.

When at Prague a Mr. Meisner who once spent a day with you (introduced by Mr. Pattison or Mr. Stillingford) spoke in strong terms of the kindness you and yours showed him and begged me to remember him to you.[2]

Wm. Neild Esqre
Messrs. J. Hoyle & Sons
Manchester
England

[1] Probably George Wilson (1808-1870), who was secretary to the committee which obtained the charter of incorporation for Manchester in 1839. He was elected chairman of the Anti-Cornlaw League in 1841. *Dict. of Nat. Biogr.* (O.U.P. edition), xxi, pp. 565 f.

[2] William Patti(n)son was a business friend of William Neild. Two letters he wrote to W. Neild in 1835 and 1836 form now part of John Rylands Library English MS. 838. I regret that I have been unable to identify "Mr. Meisner" and "Mr. Stillingford". The former's name is a very common one in Germany.

THE PIYYUṬ, WITH SPECIAL REFERENCE TO THE TEXTUAL STUDY OF THE OLD TESTAMENT

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EVER since Old Testament scholars have busied themselves with their many-sided researches on the Bible, the critical study of comparing the Old Testament text with texts of the various other versions has occupied their minds. Here scholars have been concerned mainly with the LXX and—to a lesser extent—the Vulgate and the Targums. The recent Judean finds, which comprise among other texts two versions of the book of Isaiah,[1] have naturally added another valuable source of study in this direction. One source, however, has hardly been dealt with. This is the payyeṭanic literature, which comprises a vast quantity of material capable of yielding, quite apart from many other aspects, a number of interesting studies bearing on the Old Testament,[2] not excluding textual studies. The following article, while introducing the payyeṭanic literature in general and the special type of piyyuṭ which has a direct bearing on our study in particular, is a modest attempt to direct attention to what may well prove to be a fruitful field of investigation.

One has to distinguish between piyyuṭ[3] in the broad sense,

[1] The one manuscript, comprising practically the whole of the sixty-six chapters of Isaiah as known to us, is in the possession of the Syrian Metropolitan of St. Mark's Monastery of Jerusalem and has been edited (along with the Habakkuk Commentary) by Millar Burrows and published by the American Schools of Oriental Research, New Haven, 1950; the other, comprising Isaiah xli–lxvi without interruption and parts of xvi, xix, xxii–xxiii, xxviii, xxxviii–xxxix, in the possession of the Hebrew University of Jerusalem. Only a few fragments from this manuscript, namely, chapters xlviii. 17–xlix. 7 and l. 7–li. 8, have been edited by E. L. Sukenik in *Meghilloth Genuzoth*, second survey, and published by the *Mosadh Bialik*, Jerusalem, 1950.

[2] See the concluding lines of this article.

[3] Pl. piyyuṭim.

which may include all manner of poetry,[1] as the Greek word, ποιητης, from which it is derived, would suggest, and piyyuṭ in the narrower sense, which comprises songs of praise to God, intended as a rule by its composer, called payyeṭan,[2] to be added to the older liturgy.[3] Using Zunz's apt phrase, one may describe it as *synagogal poetry*, for it is mainly the creation of the synagogue. It is with the latter that we shall deal.

It is convenient to speak of four periods in this connection: 1. The anonymous period, the inception of which is merged in the Talmudical era when the obligatory prayer was gradually being shaped. It ends apparently in the time of Yosē ben Yosē, say about the sixth century C.E. 2. The period beginning with Yannai, about the seventh century. 3. The period of the Jewish poets of Spain.[4] 4. The period beginning about the thirteenth century and still to a certain extent in being amongst some Jewish communities in the Near East.[5]

The payyeṭanim of each of the above periods have, individually, their own peculiar characteristics, but at the same time some prominent features are common to all of them. However, because the term piyyuṭ to-day is mainly applied to the liturgical compositions of the second and the third periods to the partial exclusion of the first and to the complete exclusion of the fourth, we shall proceed to examine the first three periods only, enlarging on the second and the third.

The Anonymous Period

The Anonymous Period has not produced a great number of piyyuṭim, or at least it can be said that only a small number of piyyuṭim of this period have come down to us. The exact dates

[1] Cf., for instance, Gen. Rab. s. lxxxv, where it is used in the general sense of "fiction", etc.

[2] Sometimes, especially after the conquest of Palestine by the Arabs (C.E. 636), called *Ḥazan*, meaning the Reader. Al Qirqisani, the Karaite, a contemporary of Sa'adiah Ga'on, uses the word *Ḥazana* in connection with the piyyuṭim composed by Yannai.

[3] Called *Tephillah shel ḥobhah* (obligatory prayer).

[4] Some would call this period the Sa'adiah period, which begins about the tenth century and is lost in the age of the Jewish poets of Spain.

[5] See Davidson's Introduction to *'Oẓar ha-Shirah veha-Piyyuṭ*, vv. i–iv.

of its various compositions are not known, but it is perhaps safe to say that most of them originated in Palestine, say between the third and the sixth centuries and were later incorporated in the prayer-book. These piyyuṭim are better known to-day by the name of songs or prayers, although they exhibit some marked characteristics of the later piyyuṭim, chief amongst them being the alphabetical [1] and the *tashraḳ* acrostics.[2] In rare cases allusions to the Midrashic literature are also found.[3] They also betray an attempt at metre, but have no rhyme. Their language, unlike that of the piyyuṭim of the later periods, is straightforward and as a rule presents no ambiguities and no complications.

The Second and the Third Periods

The piyyuṭim of these two periods form the major part of all the piyyuṭim which have survived in the various prayer-rites for the week-days and festivals. Also the greater part of the several hundreds of thousands of fragments in the Cairo Genizah,[4] is made up of piyyuṭim, and mainly piyyuṭim of these two periods.

By force of custom and tradition, according to which one has to introduce daily some new feature in prayer (cf. Ber. 29b, and see *Rashi ad hoc*), the Palestinian readers of the synagogues, who seem to have been the first payyeṭanim, continued to compose fresh pieces of liturgy even after an obligatory prayer-rite was fixed for all the year round.

Three main forms of piyyuṭim emerged one after the other: 1. The *Qerobhah* [5]; 2. The *Yoẓer* [6]; 3. The *Ma'arabha*.[7] The

[1] Cf. *'El 'adhon*, a piece recited on Sabbath—perhaps one of the later compositions of this period (see S. D. Luzzatto, *Toledhoth ha-Shirah be-Isra'el*, pp. 12-13, published by *Maḥbaroth le-Siphruth*, Tel-Aviv, 1948).

[2] Cf. *Tiḳḳanta shabbath*, recited on Sabbath.

[3] Cf. *ra'ah ve-hithḳin ẓurath ha-lebhanah*, in *'El 'adhon* (referred to in n. 4 above). In this connection one should note that some of the Tosaphists read . . . *ve-hiḳṭin* . . . , instead of . . . *ve-hithḳin* . . . , a reading more in keeping with Midr. Rab. s. vi, upon which it is based. See *Da'ath Zeqenim*, p. 1, and cf. n. 4 above.

[4] Schechter estimated the number of fragments carried away by him from Cairo to Cambridge in 1896 to be about 100,000; and at that time there were known to be thousands of other fragments in Oxford, Petrograd (Leningrad), and other places. See P. E. Kahle, *The Cairo Geniza*, pp. 2-8.

[5] Pl. *Qerobhoth*. [6] Pl. *Yoẓeroth*. [7] Pl. *Ma'arabhoth*.

Qerobhah, however, is our main study here, leaving out the two other types of piyyuṭim altogether. The *Qerobhah* is the first in time and contains a greater number of complete Biblical verses than do usually the other types of piyyuṭim. It therefore deserves a more detailed examination. The *Qerobhah* [1] is the general term for a chain of piyyuṭim, the links of which are intended to be interwoven in the prayer known as *Shemoneh 'Esreh*. The number of the links differs according to the number of benedictions in the prayer of the day. For certain particular week-days, for example, there are eighteen pieces,[2] each of which bears a name according to the place assigned to it at the end of each benediction. On the Sabbath we distinguish between two kinds of *Qerobhoth*, the one called *Qedushta*, associated with the prayer where *Qedushah* is recited, the other called *Shibh'atha* for the prayer where no *Qedushah* is recited. In Palestine, the birth-place of piyyuṭ, *Qedushah* was recited only in the Morning Prayer of the Sabbath and the festivals. Hence, every *Qedushta* composed by Palestinian payyeṭanim—and by payyeṭanim of other countries who followed them—is a *Qerobhah* for the Morning Prayer, whereas the *Shibh'atha* is a *Qerobhah* for the other prayers of the day. It is interesting that this distinction is discernible in a number of countries other than Palestine.

The first to compose a *Qerobhah* was Yannai of Palestine who seems to have lived the greater part of his life when Palestine was still ruled by the Byzantines. His *Qerobhoth* are closely bound up with the triennial cycle, namely, with the custom prevalent in Palestine where the Reading of the Law was spread over a period of three years instead of one year.[3] The number of his *Qerobhoth* for the days of Sabbath alone total over 150.[4] Yannai is the grand architect of the *Qerobhah* and has been extensively

[1] Drawn, as it would appear, from the Aramaic verb *qrbh*, "to lead in prayer". Cf., for instance, . . . *de-qribh* . . . , 'they noticed that the reader of the synagogue *led in prayer* and said . . .' (Midr. Till. to Ps. xix). Cf. also Lev. Rab. s. 30.

[2] Not nineteen as customary to-day. This is in accordance with an old custom which prevailed in Palestine and in its neighbouring countries.

[3] See Meg. 29*b*.

[4] See *Piyyuṭē Yannai* (Liturgical Poems of Yannai, collected from Genizah MSS. and other sources by Menaḥem Zulay, Berlin, 1940. Henceforth abb. *P.Y.Z.*), p. xi.

copied and imitated by a great number of payyeṭanim many generations after him. It is therefore fitting that we should examine one of his *Qerobhoth*.

Most of Yannai's *Qerobhoth* are of the *Qedushta* type, the contents of which are based on the Weekly Portion (called in Hebrew *Parashah*, or *Sedher*) and its assigned *Haftarah*. Its main subject-matter is therefore fixed. The contents of the *Shibh'atha*, on the other hand, are not necessarily connected with that of the Weekly Portion and its *Haftarah*. The pieces of the *Shibh'atha* are seven—the number of the benedictions of the appropriate prayer. The pieces of the *Qedushta* bear only on the first three benedictions, but on the other hand, a goodly number of pieces bear on the third benediction. Each of its pieces has its own peculiarities which are common to all the appropriate pieces of all the *Qedushoth*, so that all of them appear as if cast in one mould.

The *Qedushta* as a rule comprises nine pieces, each of which has its own peculiarities. The first three concern us most here, for at the end of each of them there comes a group of Biblical verses. It will therefore not be out of place if we give some description of them :

(*a*) The first is a piyyuṭ intended for the first benediction. It is composed of three verses, each of which consists of rhymed lines. These lines, twelve in number, embody an alphabetical order up to the letter *lamedh*. The last line, which bears an allusion to the first verse of the *Sedher*, is followed by a few other verses drawn from different parts of the Bible which have some bearing on the words or ideas of the piyyuṭ, and are intended to reinforce its message. After this comes a concluding verse (*Ḥathimah*), consisting of three or four rhyming lines which open with the word which ended the preceding Biblical passage. The last line of this verse alludes to the first benediction called *Maghen*.

(*b*) The second piyyuṭ, intended for the second benediction, resembles in structure the preceding one. It continues with the alphabetical order, namely, with the letter *mem* onwards, and ends with an allusion to the second verse of the *Sedher*. This is reinforced with a group of Biblical verses at the end of which

comes a concluding verse as above bearing on the second benediction called *Meḥayyeh*.

(*c*) The third is a piyyuṭ comprising four verses embodying the acrostic *Yannai* (*Yodh*, *Nun*, *Yodh*, *Yodh*, the Palestinian spelling of the name of the author). It ends with an allusion to the first verse of the appropriate *Haftarah*, followed by a group of Biblical passages as above.

The importance of these verses to Old Testament scholars is self-evident. We have here a great number of Biblical verses appended at a comparatively early date. It is true, we have to make allowance for possible errors by copyists, but on the other hand, it is worth remembering that copyists at all times paid strict attention when dealing with Biblical passages, so that not all deviations should be attributed to errors. The Biblical scholar, therefore, may expect to find in these passages much fresh material for investigation.

The first question for the investigator would naturally be: Do these verses rigidly follow the Massoretic Text or do they follow other versions that are extant? And now that two Isaiah Texts of the Judean Scrolls have been added the problem becomes more interesting. Without entering into details the answer to this question is that as a rule they follow the Massoretic Text and therefore testify to its trustworthiness. There are, however, noteworthy exceptions, and here are a few examples:

The M.T. of Is. xlix. 10 reads, "for he that hath mercy on them (*meraḥamam*) shall lead them". Yannai [1] in one of his piyyuṭim seems to have read, "from the womb (*mereḥem*) he shall lead them".[2] Cf. "I was cast upon thee from the womb" (Ps. xxii. 11). Cf. also, ". . . which are born by me from the belly, which are carried from the womb" (Is. xlvi. 3).

The M.T. of Mi. vii. 19 reads, "and thou wilt cast all *their sins* (*Haṭ'otham*) into the depths of the sea". Y. reads, ". . . *our sins* (*haṭ'othenu*) . . ." [3], a reading more in keeping with the text. The LXX and the Syriac and other versions have *our sins*. It is interesting to note here that after the word *haṭ'othenu* there come the words: "and all the sins of thy people—the house of Israel

[1] Henceforth abb. Y. [2] See *P.Y.Z.*, p. 60, l. 3.
[3] *P.Y.Z.*, p. 327, ll. 122-126. See Zulay's note, p. 327.

into a place where they will not be remembered nor will they be visited nor occur to one's mind", which are absent from the M.T. and from the other versions. They are, however, to be found at the end of the *seliḥoth* recited on *Yom-Kippur*, which begins with *Miḳhah 'abhdeḳha*. They are also to be found in the prayer called *Tashlich*, recited on the second day of *Rosh ha-Shanah*.

The M.T. of Prov. xxvi. 3 reads, "A whip for the horse, a bridle (*methegh*) for the ass". Y. reads, ". . . *and* a bridle (*u-methegh*) . . .",[1] a reading in keeping with the LXX and other versions.

The M.T. of Job xxxvi. 11 reads, "If they obey and serve him they shall complete (*yeḳhallu*) their days in prosperity and their years in pleasure". Y. reads, ". . . they shall spend (*yebhallu*) . . .",[2] a reading found in other versions. Cf. Job xxi. 13.

The M.T. of Is. lvi. 1 reads, "Thus saith the Lord". Y. reads, "For (*ḳi*) thus saith the Lord".[3] It is interesting to note that the Is. of the Judean Scrolls[4] agrees here with Y. against the M.T.[5]

Apart from actual passages, the piyyuṭim are known to have been saturated with phrases and expressions drawn from the O.T. And here one can learn much regarding the text in the mind of the payyeṭan. Here are a few striking examples:

The M.T. of Ps. xxiii. 4 reads, ". . . thy rod and thy staff they comfort me (*yenaḥamuni*)". Y. reads, ". . . they guide me (*yanḥuni*)".[6]

The M.T. of Is. xl. 10 reads, *hinneh be-ḥasaq yabho*. The difficulty of *be-ḥasaq* is obvious, for we have here an adjective when a noun is required. Y., however, while speaking of the power of God, makes use of this phrase by saying *ve-thabho*

[1] *P.Y.Z.*, p. 81, l. 4.

[2] *P.Y.Z.*, p. 251, l. 4. Yannai also reads *u-shenotham* instead of the M.T.'s reading *u-shenehem*.

[3] *P.Y.Z.*, p. 104, l. 17.

[4] *The Dead Sea Scrolls of St. Mark's Monastery*, vol. i, ed. M. Burrows, plate xlvi, l. 10.

[5] The difference between Y. and the Is. of the Judean Scrolls is only as regards orthography, the first one having *ḳi* and the other one *ḳi'*.

[6] *P.Y.Z.*, p. 82, l. 3. See E. Burrows, *J.R.A.S.*, 1925, p. 281. See also Th. Fish, *Melilah I* (published by Manchester University Press, 1944), p. 149, n. 1.

be-ḥoseq (" and thou shalt come with strength ").[1] The Is. of the Judean Scrolls [2] again agrees here with Y. against the M.T.

Space does not allow me to say anything here about the orthography of the Biblical verses under question nor to evaluate the various variants of those verses—two most desirable subjects for discussion. These, I hope, will be dealt with elsewhere.

[1] *P.Y.Z.*, p. 209, l. 5.

[2] *The Dead Sea Scrolls of St. Mark's Monastery*, vol. i, ed. M. Burrows, plate xxxviii, l. 10.